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Meeting — Meeting

3989th Meeting — 4027th Meeting

June 28, 2001 — May 9, 2002

Record of the Three Thousand Nine Hundred and Eighty Ninth (3989th) Meeting of the Metropolitan District Commission duly called and held at Fort Independence, Castle Island, South Boston, on Thursday, June 28, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on June 14, 2001, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Trial Permit Agreement, dated June 28, 2001, with Gondola diVenezia LLC, for the operation of two gondolas (self powered water craft) on the Charles River Basin for a three season period starting on or about July 1, 2001 and terminating on October 15, 2003.

2. Amendment No. 1, dated June 28, 2001, to Contract-Agreement No. PL93-023-D2A, with Planners Collaborative, Inc., for Neponset River Trail Design Services.

3. As the Amendment to Contract No. P87-1447-M1A, with GZA GeoEnvironmental, Inc., for Geotechnical Engineering Advice, did not arrive in time for the Commission Meeting, the Commission V O T E D: to authorize Commissioner Balfour to execute the Amendment on its behalf.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher, Carrigan and Machado, June 19, recommending approval of revisions in quantities on Contract No. P99-2019-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations in the Metropolitan District Park System, as follows –

Item No. 006-010 Gravel Borrow	**$ 7,855.46**
Item No. 059-010 Black Vinyl Clad C.L.F. 6 Ft. High	**$ 765.47**
Item No. 063-010 Black Vinyl Clad C.L.F. 10 Ft. High	**$ 445.45**
Item No. 065-010 Black Vinyl Clad C.L.F. 12 Ft. High	**$ 1,465.70**
Item No. 094-010 Steel Fence	**$ 2,232.00**
	Total - $12,764.08

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 020-010, 035-010, 037-010, 045-010, 055-010, 058-010, 074-010, 084-010, 084-020 and 008-010).

The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Misslin, Brooks, Abounaja and Mrs. Overton Bussell, June 14, recommending approval of Amendment No. 8, for Task 24 - to Prepare Remedy Implementation Plan, Task 25 - to Provide Resident Engineer Inspection Services and Task 26 - to Prepare Activity and Use Limitation and Response Action Statement, at a total cost of $107,534.00, on Contract No. P95-1768-D2A, with Camp Dresser and McKee, Inc., for Professional (L.S.P.) Services for Various MDC Facilities (Indian Line Farm).
Funding from Account No. 2440-7994.
The Commission V O T E D: Approved.
Associate Elkort did not participate in discussion or vote on this matter.

2. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, June 21, requesting approval of Amendment No. 5, for an extension of time from July 15, 2001 to November 15, 2001, on Contract No. P95-1804-D1A, with Sasaki Associates, for Dorchester Shores Beaches Restoration Program, because the sub-contractor was unable to locate specified trees in time for spring planting. The trees have been located and will be ready for fall planting.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Carrigan, June 25, requesting approval of an extension of time, for administrative purposes only, from June 30, 2001 to July 13, 2001, on Contract No. P99-2019-C1A, with D'Allesandro Corporation for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System.
(The extension will in no way affect the liquidated damages provisions of Article XXI that may be due the Commission and shall not operate as a waiver on the part of the Commission of any of its rights under the Contract).
The Commission V O T E D: to approve an extension of time, for administrative purposes only, from June 30, 2001 to July 13, 2001, as recommended by Messrs. Faucher and Carrigan in their report of June 25, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, if required, and on condition that no further request will be made for additional compensation and that this extension of time shall in no way affect the liquidated damages in Article No. XXI, that may be due the Commission or in any of its rights under the Contract.

4. Report of Messrs. Faucher and Carrigan, June 25, requesting approval of an extension of time, for administrative purposes only, from June 30, 2001 to July 13, 2001, on Contract No. P01-2095-C1A, with SPS New England, Inc., for Replacement of Concrete Median Barrier, Nahant Beach Parkway, Nahant.
(The extension will in no way affect the liquidated damages provisions of Article XXI that may be due the Commission and shall not operate as a waiver on the part of the Commission of any of its rights under the Contract).
The Commission V O T E D: to approve an extension of time, for administrative purposes only, from June 30, 2001 to July 13, 2001, as recommended by Messrs. Faucher and Carrigan in their report of June 25, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, if required, and on condition that no further request will be made for additional compensation and that this extension of time shall in no way affect the liquidated damages in Article No. XXI, that may be due the Commission or in any of its rights under the Contract.

1. Report of Messrs. Faucher, Misslin, Brooks and Balicki, June 26, requesting approval of an extension of time, for administrative purposes only, from June 1, 2001 to July 13, 2001, on Contract No. P01-2111-C1A, with B.S.A. Painting Co., Inc., for Waterblasting, Patching, Painting and Caulking Swimming Pools at Various Locations.
(The extension will in no way affect the liquidated damages provisions of Article XXI that may be due the Commission and shall not operate as a waiver on the part of the Commission of any of its rights under this contract).
The Commission VOTED: to approve an extension of time, for administrative purposes only, from June 1, 2001 to July 13, 2001, as requested by Messrs. Faucher, Misslin, Brooks and Balicki in their report of June 26, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, if required, and on condition that no further request will be made for additional compensation and that this extension of time shall in no way affect the liquidated damages in Article No. XXI, that may be due the Commission or in any of its rights under the Contract.

2. Report of Messrs. Faucher, Brooks, Misslin and Haider, June 26, recommending approval of a revision in quantities on Item No. 002-010 – Materials and Parts – at a value of $7,000.00, on Contract No. P99-2005-M2A, with P.J. Kennedy and Sons, Inc., for Service Maintenance of HVAC Systems at Various MDC Facilities.
Funding from Account No. 2440-4994.
The Commission VOTED: Approved.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Messrs. McGinn and Pula, June 20, on proposals for the purchase of forest products located on the Quabbin, Wachusett and Ware River Watersheds.
The Commission VOTED: to accept the highest qualified bid, that of Richard M. Williams, of $991.50; to purchase approximately 27 cords of fuelwood on Roadside Sale No. R4NQ – Quabbin Reservoir Watershed.
The Commission further VOTED: to accept the highest qualified bid, that of John Conkey & Sons Logging, of $19,026.00; to purchase approximately 133,849 board feet of timber and 423 tons of pulp on Timber Lot Sale No. 301 – Quabbin Reservoir Watershed.
The Commission further VOTED: to accept the highest qualified bid, that of Curtis Lumber of $14,860.00; to purchase approximately 167,609 board feet of timber and 701 tons of pulp on Timber Lot Sale No. 3018 – Quabbin Reservoir Watershed.
The Commission further VOTED: to accept the highest qualified bid, that of King Timber Harvesting, of $18,055.00; to purchase approximately 173,349 board feet of timber, 74 cords of fuelwood and 534 tons of pulp on Timber Lot Sale No. 3020 – Quabbin Reservoir Watershed.
The Commission further VOTED: to accept the highest qualified bid, that of Bosse Logging of $1,660.00; to purchase approximately 10,709 board feet of timber, 60 cords of fuelwood and 23 tons of pulp on Timber Lot Sale No. 5170 – Wachusett Reservoir Watershed.
The Commission further VOTED: to accept the highest qualified bid, that of Town & Country Stone of $16,800.00; to purchase approximately 90,179 board feet of timber, 374 cords of fuelwood and 199 tons of pulp on Timber Lot Sale No. 5171 – Wachusett Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Steve Guillotte of $3,268.00; to purchase approximately 38,928 board feet of timber, 15 cords of fuelwood and 84 tons of pulp on Timber Lot Sale N. 4302 – Ware River Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of T. Jepson & Son, of $3,500.00; to purchase approximately 140,222 board feet of timber, 223 cords of fuelwood and 177 tons of pulp on Timber Lot Sale No. 4303 – Ware River Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of T. Jepson & Son, of $3,500.00; to purchase approximately 54,768 board feet of timber, 34 cords of fuelwood and 41 tons of pulp on Timber Lot Sale No. 4304.

1. Report of Messrs. McGinn and Pula, June 19, requesting approval of the 2001 Quabbin Reservation Controlled Deer Hunt, as outlined in Table 1 of the report.

Messrs. McGinn and Pula further request approval to close the controlled hunt areas as outlined in Table 1 to all persons except those with official access permits, for the following periods for each area:

New Salem - November 29 – November 30
Petersham - November 29 – November 30
Pelha - December 3 – December 4
Prescott - December 3 – December 4

Messrs. McGinn and Pula further request that the Commission approve access for hunters with MDC Permits to Prescott Peninsula for the period December 3 – December 4, in accordance with Chapter 737 of the Acts of 1972, Section 09.

The Commission V O T E D: to approve the 2001 Quabbin Reservation Controlled Deer Hunt, as outlined in Table 1 of the report, as follows –

LOCATION	**SEGMENTS**	**# HUNTERS (APPROXIMATE)**	**ACRES/ HUNTER**	**DATES**
PETERSHAM (Gates 36-40) 8,600 acres	1, 2-DAY	288	30	Nov. 29-30
NEW SALEM (Gates 21-35) 5,000 acres	1, 2-DAY	183	33	Nov. 29-30
PELHAM (Gates 4-16) 9,000 acres	1, 2-DAY	150	33	Dec. 3, 4
PRESCOTT (Gates 17-21) 12,500 acres	1, 2-DAY	375	33	Dec. 3, 4
TOTAL 35,100 acres	4 SEGMENTS (area-days)	996		

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The Commission further V O T E D: Approval to close the controlled hunt areas as outlined in Table 1 to all persons except those with official access permits, for the following periods for each area (closures include all times during days outlined):

New Salem - November 29 – November 30
Petersham - November 29 – November 30
Pelham - December 3 – December 4
Prescott - December 3 – December 4

The Commission further V O T E D: to approve access for hunters with MDC Permits to Prescott Peninsula for the period December 3 – December 4, in accordance with Chapter 737 of the Acts of 1972, Section 09.

1. Report of Messrs. McGinn and Baratta, June 8, requesting approval of Amendment No. 1, for preparation of record drawings, at a cost of $22,000.00, on Contract No. WM98-061-X11A, with Camp Dresser & McKee, Inc., for Engineering Services during Construction.
(No additional funding is required).
The Commission V O T E D: Approved.

2. Report of Messrs. McGinn and Baratta, June 8, recommending the following on Contract No. WM97-061-D3A, with Camp Dresser and McKee, Inc., for Resident Engineering Services for Holden/West Boylston Sewer Project Engineering Services and Construction Inspection, for Contract Nos. WM95-061-C1A (Fast Track), WM97-061-C1H, WM97-061-C3H and WM97-061-X9R –
(a) That work be accepted as completed as of July 9, 2000.
(b) That reserve, in the amount of $144,443.31, be approved for payment.
(Basis of Award - $948,591.00)
(Amount to Date - $1,448,713.28)
(Contract Performance Rating – 9 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of Camp Dresser and McKee, Inc., Contractor under Contract No. WM97-061-D3A, be and hereby is accepted as completed as of July 9, 2000.
The Commission further V O T E D: to approve release of reserve, in the amount of $144,443.31, for payment.

3. Report of Messrs. McGinn and Baratta, June 19, requesting approval of revision in quantities No. 2 – as a result of typical variations of site condition encountered during construction of the project – at a decrease in the upset limit by $19,805.83 (from $7,062,529.00 to $7,042,723.17, on Contract No. WM98-061-C1A [97 – 5W], with FED Corp., for Prospect/Shrine/Meadowbrook – West, West Boylston.
The Commission V O T E D: Approved.

4. Report of Messrs. McGinn and Baratta, June 5, requesting approval of revision in quantities No. 4 – elimination of quantities no longer needed for completion of the contract and that the Town of Holden has agreed to pay the Contractor directly for its non-cost participatory work – at a decrease in the upset limit by $118,615.00 (from $7,222,952.91 to $7,104,227.91) on

Contract No. WM97-061-C3H, with C.J.P. and Sons, Inc., for Fort Sumter/Center/Davis Hill – East Sewers.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Mr. Collette, June 22, recommending that the Commission adopt an Order of Taking for acquisition of approximately 46.7 acres of land owned by Paul A. Kalenian and Cathy H. Kalenian, located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of $ 165,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 46.7 acres of land owned by Paul A. Kalenian and Cathy H. Kalenian, located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 28, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the easterly side of the road leading from Princeton to Westminster, known as Mountain Road, and off of the northerly side of the intersecting Merriam Road, more particularly bounded and described as follows:

Beginning at the westernmost corner of the parcel being described herein, at an iron shaft found at a point in the curve forming the easterly location line of Mountain Road, as laid out by the Commissioners of the former County of Worcester in Decree 1643, recorded with Worcester District Registry of Deeds at Book 3454, Page 309, and as shown upon Plan H-3247-R, recorded with said Deeds as Plan 118 in Plan Book 184, said iron shaft marking the southwesterly corner of the abutting lot, being land, now or formerly, of Henry J. Vaillette, Trustee of BSA Realty Trust (see the deed dated 10/26/90 recorded with Worcester District

Registry of Deeds at Book 13069, Page 9), shown as "Lot #3" upon the plan recorded with said Deeds as Plan 61 in Plan Book 593 (see the complete citation for this plan below, at the conclusion of the description);

Thence S. 86° 20' 13" E., 648.66 feet, by the southwesterly line of Lot #3, to a drill hole found in a stone wall, at the southeasterly corner of Lot #3;

Thence N. 06° 14' 39" E., 226.25 feet, by the stone wall and Lot #3, to another drill hole found in a wall corner;

Thence N. 58° 08' 20" W., 243.73 feet, by the stone wall and Lot #3, to another drill hole found in the wall corner, at the southeasterly corner of Lot # 2, as shown upon the plan last cited above, land, now or formerly, of the Town of Princeton (see the instrument dated 4/7/97 recorded with said Deeds at Book 18725, Page 124);

Thence N. 49° 06' 35" E., 677.78 feet, by the stone wall and the southeasterly line of Lot # 2, to another drill hole found in the wall corner forming the easternmost angular corner of Lot # 2, the southeasterly corner of Lot # 1, land, now or formerly of Walter S. & Joan L. Kuklinski (see deed dated 10/5/87 recorded with said Deeds at Book 10847, Page 221), said drill hole also marking the southeasterly corner of land, formerly of John W. & Virginia W. Skantz, now or formerly, of Gerald Hyson (see the deed dated 6/7/96 recorded with said Deeds at Book 17977, Page 317 and also the southerly portion of the land formerly of Clement P. Clark as shown upon the plan recorded with said Deeds as Plan 74 in Plan Book 514, which plan is more completely cited below);

Thence N. 47° 15' 00" E., 891.27 feet, by land, formerly of Clement P. Clark, now subdivided and, now or formerly, of Gerald Hyson, of Fa Mu Hsien (see deed dated 8/2/96 recorded with said Deeds at Book 18137, Page 21), of Brian & Diane A. Hobbs (see deed dated 6/19/85 and recorded with said Deeds at book 8765, Page 388), and of the Town of Princeton (see instrument dated 4/7/97 recorded with said Deeds at Book 18725, Page 123), to a point in a stone wall at the northernmost corner of the land being described herein, and at or near the northwesterly corner of the abutting land, formerly of Nathan Merriam, Samuel Hastings and Charles A. Mirick, later of Ewer & Ruth L. Mirick, and, now or formerly, supposed to be land of Richard W. Mirick;

Thence Southeasterly, about S. 49° E., about 1082 feet, more or less, by the stone wall and land, now or formerly, of R.W. Mirick, to a point in the northwesterly line of the way, known as "Fay Lane" which used to run from the house formerly of Charles A. Mirick to buildings formerly of Samuel Hastings, the northwesterly line of the lane being also the northwesterly line of land, formerly of Mary A.

Fay, et als, now or formerly, supposed to be land of Wells B. & Elizabeth H. Dow;

Thence Southwesterly, about 1814 feet, more or less, by "Fay Lane" and land, now or formerly, of W.B. & E. H. Dow, to a wooden stake with nail, set at a point therein;

Thence N. 53° 07' 47" W., 113.99 feet, by other land, now or formerly of the supposed owners listed below, shown upon "EXHIBIT A", a sketch plan prepared by personnel of the MDC Division of Watershed Management, dated April 4, 2000, to be recorded herewith and made a part hereof, as "Unrestricted Area ± 5.6 Acres", to another wooden stake with nail set at a corner in the conservation restriction line;

Thence N. 30° 49' 32" E., 365.71 feet, by the Unrestricted Area, to a drill hole set in a stone wall, at another corner in the restriction line;

Thence N. 55° 18' 49" W., 358.93 feet, by the stone wall and the Unrestricted Area, to another drill hole set;

Thence S. 25° 00' 38" W., 441.68 feet, by the westerly line of the Unrestricted Area, to an iron pin or rod found in a stone wall at the northeasterly corner of land, formerly of Edward P. & Grace M. Yaglou, now or formerly, of Gregory H. Day (see deed dated 05/21/99 recorded with said Deeds at Book 21412, Page 34), which abutting lot is shown upon the plan recorded with said Deeds as Plan 50 in Plan Book 340 [more definitively cited below at the conclusion of this description];

Thence N. 82° 36' 53" W., 356.62 feet, by land, now or formerly, of G.H. Day, to an iron rod or pin found;

Thence N. 68° 48' 21" W., 148.72 feet, by land, now or formerly, of G.H. Day, to another iron pin or rod found;

Thence N. 78° 39' 09" W., 73.35 feet, by land, now or formerly, of G.H. Day, to another iron pin or rod found at a point in the curve forming the easterly record layout line of Mountain Road;

Thence Northwesterly, by the easterly layout line of Mountain Road, along the arc of a curve to the right, having a radius of 1560.00 feet, an arc distance of 255.10 feet, to a point of tangency, said point being the first mentioned point at the southwesterly corner of land, now or formerly, of Henry J. Vaillette, Trustee of BSA Realty Trust, being the point and place of beginning.

Containing 46.7 acres, more or less, by estimate.

All of the "Unrestricted Area" of 5.6 acres, more or less, and a portion of the "Restricted Area" of 46.7 acres, more or less, are shown upon the above referenced sketch plan labeled "EXHIBIT A" attached hereto, to be recorded herewith and be made a part hereof.

The above referenced recorded survey plans used in the creation of the above description are more fully identified as follows:

Plan 61 in Plan Book 593 – A plan entitled "Plan Of Land In Princeton, Mass. Owner: Paul A. & Cathy H. Kalenian And Walter S. & Joan L. Kuklinski", dated January 26, 1988, and prepared by Guerard Survey Co. & Assoc., Richard W. Guerard, R.L.S. and Mark J. Guerard, L.S., 11 Summer Street, Westborough, Mass. 01581

Plan 74 in Plan Book 514 – A plan entitled "PLAN OF LAND IN PRINCETON, MASS. Prepared For Clement Clark", dated November 27, 1983 and prepared by Rice Engineering, John R. Lonergan, L.S., Civil Engineers and Land Surveyors, New Braintree Road, Oakham, Mass.

Plan 50 in Plan Book 340 – A plan entitled "Plan Of Land Located In Princeton Mass., Owned By Clement P. Clark et ux", dated Sept. 21, 1970 and prepared by W.A. Nelson, R.L.S.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Paul A. Kalenian Cathy H. Kalenian	46.7 acres, more or less

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being the larger remaining portion of the premises described as the 2nd parcel in a deed from Clement P. Clark to Paul A. Kalenian and Cathy H. Kalenian, dated 16th September 1986and recorded with the Worcester District Registry of Deeds at Book 9810, Page 154.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcels of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Paul A. Kalenian Cathy H. Kalenian	$ 165, 000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 165,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Mr. Collette, June 22, recommending that the Commission adopt an Order of Taking for acquisition of approximately 59.652 acres of land owned by John L. Brooks, located in the Town of Templeton, Massachusetts, and to approve an award of damages in the amount of $ 255,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to Commission adopt an Order of Taking for acquisition of approximately 59.652 acres of land owned by John L. Brooks, located in the Town of Templeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 28, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Templeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the westerly side of the County Road leading to Barre, now known as Barre Road, more particularly bounded and described as follows:

Beginning at the southeasterly corner of the parcel being described herein, at the point of intersection of a stone wall and the arc of a curve forming the westerly line of the March 1, 1983 Worcester County Record Layout of Barre Road (see Worcester County Commissioners Decree 3400, and the accompanying survey, Plan H-4414-R, in 10 Sheets, as recorded with Worcester District Registry of Deeds, as Plan 65 in Plan Book 504), said point being at the northeasterly corner of land, formerly of Sulo W. & Marjorie M. Lane, now or formerly, of

Grace A. Entwistle and the late Jean E. Entwistle (see the deed dated 12/12/1977 recorded with said Deeds at Book 6360, Page 258), the said point being more particularly located as lying at or near Station 21 upon the above cited layout and being 43.33 feet southwesterly from a Worcester County Highway bound found, marking the terminus of a curve, as measured along the arc of said curve to the right, having a radius of 1970.00 feet, said point being at the southeasterly corner of a subdivided lot designated Lot " 1" upon a survey plan entitled " Plan Of Lots Surveyed For John L. Brooks, Templeton, MA", dated 8/24/90, and prepared by Szoc Surveyors, Brian M. Szoc, R.P.L.S., a copy of which signed & stamped plan is on file in the Office of the General Counsel of the MDC, at Commission Headquarters, located at 20 Somerset Street, Boston, MA;

Thence Northeasterly, by the highway layout and Lot " 1" along the arc of a curve to the left, having a radius of 1970.00 feet, an arc distance of 43.33 feet, to a point of tangency, which point is at the above cited WCH bound found;

Thence N. 05° 12' 40" E., 356.67 feet, by the line of the highway, partially by Lot " 1" and partially by Lot " 2", to a point at the northeasterly corner thereof;

Thence S. 65° 56' 18" W., 500.00 feet, by the northwesterly line of Lot " 2" being the southeasterly line of the excluded front portion of Lot " 3", to a point at the northwesterly corner of Lot " 2";

Thence N. 05° 12' 40" E., 150.00 feet, severing the excluded front portion of Lot " 3" from the included rear portion thereof, and running to a point at the southwesterly corner of Lot " 4";

Thence N. 65° 56' 18" E., 286.58 feet, by the southeasterly line of Lot " 4" and the northwesterly line of Lot " 3", to a point at an angle in the line;

Thence N. 79° 31' 49" E., 100.00 feet, by the common lot line to an iron pin set at another angle therein;

Thence N. 54° 30' 27" E., 118.58 feet, by the common lot line, to a point in the westerly line of Barre Road, at the southeasterly corner of Lot " 4";

Thence N. 05° 12' 40" E., 450.00 feet, by the combined frontages of Lots " 4", " 5", and " 6", along the record layout of the highway, to a point at the northeasterly corner of Lot " 6" and at other unsubdivided land of the supposed owner included herein and described below;

Thence N. 05° 12' 40" E., 189.58 feet, by the Record Layout of Barre Road, to another WCH bound at Station 32+59.80;

ThenceNortheasterly, by the highway along the arc of a curve to the right, having a radius of 1430.00 feet, an arc distance of 690.65 feet, to a point of tangency, said point being at another WCH bound found at Station 39+90.58, which bound also marks the southeasterly corner of another excluded parcel of land, now or formerly, of John L. Brooks, shown as a parcel of 7.911 acres upon a plan entitled Plan Of Land Surveyed For Philip R. & Audrey S. Brooks, Templeton, MA”, dated September 8, 1998, and prepared by Szoc Surveyors, Brian M. Szoc, R.P.L.S., a copy of which plan is on file with the Office of the General Counsel of the MDC at Commission Headquarters;

Thence S. 65° 53’ 00” W., 575.00 feet, by the excluded parcel to a point at its southwesterly corner;

Thence N. 29° 29’ 06” E., 222.06 feet, by the excluded parcel, to a point at an angle in the line;

Thence N. 02° 21’ 19” E., 775.00 feet, by the excluded parcel, to a point at its northwesterly corner;

Thence S. 57° 07’ 00” E., 720.00 feet, by the excluded parcel, to an iron pin in the westerly line of Barre Road, at its northeasterly corner;

Thence N. 32° 53’ 00” E., 297.53 feet, by the Record Layout of Barre Road, to another WCH bound found at Station 46+ 62.08;

Thence Northwesterly, by the highway layout along the arc of a curve to the left, having a radius of 970.00 feet, an arc distance of 371.11 feet, to a point of tangency, said point being at Station 50+43.54;

Thence N. 10° 57’ 45” E., 455.87 feet, by the Record Layout of the westerly line of Barre Road, to a point at Station 54+87.29, just southerly of the stone wall marking the southerly line of Gray Road;

Thence Northeasterly, by the highway layout, passing the intersection with Gray Road and running along the arc of a curve to the right, having a radius of 2030.00 feet, an arc distance of 250.32 feet, to a point of tangency, said point being in the stone wall at Station 57+70.71, and land, now or formerly, supposed to be of George E. Dussault, Jr. et ux;

Thence Southwesterly, about 1860 feet, more or less, by estimate, along the stone wall, partially by land supposed to be, now or formerly, of G.E. Dussault, Jr. et ux, and partially by land of the Estate of Jacob A. Turner (see the deed recorded with said Deeds at Book 1843, Page 600), by and through the wall and running to a point in the center line of the Burnshirt River, the Templeton-Phillipston Corporate Line;

Thence Southerly and downstream, about 2870 feet, more or less, by estimate, along the center line of the Burnshirt River, the Templeton-Phillipston Town Line, to a point at the northwesterly corner of Lot "3", cited above, as shown upon the Szoc plan dated 8/24/90;

Thence Southerly and downstream, about 964 feet, more or less, by the center line of the river, to a point in line with an MDC disc found, a large rock and an MDC bound found, at land, now of the Commonwealth of Massachusetts, MDC, formerly of Raymond M. Hood & Amey H. Chase, and of the Rhode Island Hospital Trust Company, Trustee under the will of John P. Hood (see the deeds dated October 2nd and October 4th, 1929 as recorded with said Deeds, on October 11th, 1929 at Book 2506, Pages 588 & 590);

Thence N. 61° 58' 25" E., about 140 feet, more or less, running through the disk and the rock marking the northwesterly corner of land, now or formerly, of the aforesaid Grace A. Entwistle, by land of the Commonwealth of Massachusetts, MDC and land, now or formerly, of G.A. Entwistle, to the MDC bound found, almost in line of a stone wall;

Thence N. 67° 12' 26" E., 56.01 feet, by land, now or formerly, of G.A. Entwistle, to a drill hole set in the westerly end of the stone wall;

Thence N. 67° 32' 36" E., 56.07 feet, by land, now or formerly, of G.A. Entwistle, to a point in the stone wall, at the southwesterly corner of Lot "1", as referred to above;

Thence N. 65° 56' 18" E., 499.45 feet, by the stone wall, the southeasterly line of Lot "1" and the northwesterly line of land, now or formerly, of G.A. Entwistle, to the first mentioned point in the westerly line of the 1983 Worcester County Record Layout of Barre Road, being the point and place of beginning.

EXCEPTING, however, any or all of the real property, and appurtent rights belonging thereto, described as the 1st parcel in the above referenced deeds, from the Rhode Island Hospital Trust Company, Trustee under the will of John P. Hood, and from Raymond M. Hood & Amey H. Chase, to the Commonwealth of Massachusetts (through its Metropolitan District Water Supply Commission, a predecessor agency to the Metropolitan District Commission), which may lie within the metes & bounds set forth above. This 1st parcel consists of … "A certain saw mill and shop, with the land under the same, lying in the southerly part of said Templeton on the Learned Farm (so-called), with the rights to flow for a water power the land heretofore flowed for that purpose, subject to the provisions contained in a deed from Elisha R. Brown to J.N. Polsey et al dated October 15, 1885 and recorded with Worcester District Deeds Book1201, Page 562, together with all the privileges and appurtenances thereto belonging, being the Brown Mill Privilege (so-called)."

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
John L. Brooks Doris R. Brooks	± 60 acres, more or less, by estimate

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being a portion of the premises described in a deed of foreclosure by John L. Brooks and Doris R. Brooks from Thomas A. Mailman and Deborah R. Mailman, dated 25th September 1993 and recorded with the Worcester District Registry of Deeds at Book 15592, Page 309.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
John L. Brooks Doris R. Brooks	$255,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 255,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Ms. McLaughlin, June 25, recommending that the Commission adopt an Order of Taking for acquisition of approximately 6.1 acres of land owned by David H. Hennessey and Karen W. Hennessey, located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $ 122,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to Order of Taking for acquisition of approximately 6.1 acres of land owned by David H. Hennessey and Karen W. Hennessey, located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 28, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the southerly side of Malden Street, containing a pond known as Edwards Pond, and shown as Parcel 6A upon a survey plan cited at the conclusion of this description, more particularly bounded and described as follows:

Beginning at a point in the arc of a curve forming the southerly layout line of Malden Street, at the northwesterly corner of the parcel herein being described, and at the northeasterly corner of land, formerly of Donald R. Kilgour, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see Order of Taking dated December 1, 1994 as recorded with Worcester District Registry of Deeds on December 30, 1994 at Book 16799, Page 155);

Thence S. 19° 42' 43" W., 381.35 feet, to a point at an angle in the line;

Thence S. 69° 21' 04" W., 121.33 feet, to a point in a stone wall, at a lot corner;

Thence S. 21° 17' 12" E., 124.01 feet, by the stone wall, to a point therein;

Thence S. 20° 50' 56" E., 173.78 feet, by the wall, to a drill hole at a point therein;

Thence S. 21° 30' 00" E., 25.10 feet, by the wall, to another drill hole at another point therein, at or near the southeasterly terminus of the wall;

Thence S. 21° 09' 29" E., 324.84 feet, to a stone bound, at the southwesterly corner of the parcel herein being described, and at the northwesterly corner of land, now or formerly, of Donald D. & Stephanie T. Derrah (see the deed recorded with said Deeds at Book 3915, Page 562), the last six courses being by land, formerly of D. R. Kilgour, now, of the Commonwealth of Massachusetts, MDC;

Thence N. 57° 29’ 07” E., 189 feet, more or less, by land, now or formerly, of D.D. & S.T. Derrah, to a point in the centerline of Malden Brook, said point being at the southwesterly corner of land, formerly, of Robert D. & Susan S. Baker, later, of John M. & Susanna L. Prosser, and, now or formerly, of Susanna L. Prosser (see the deed recorded with said Deeds at Book 20933, Page 54);

Thence Northwesterly, 411 feet, more or less, downstream, by the centerline of Malden Brook, to a point therein, at the northwesterly corner of the last cited abutting lot;

Thence S. 86° 56’ 03” E., 292 feet, more or less, by the northerly line of land, now or formerly, of S.L. Prosser, to a point at the southeasterly corner of the parcel herein being described, and at other land, now or formerly, of David H. & Karen W. Hennessy, shown as Lot 5 upon the survey plan cited below, specifically excluded from the provisions of this order, and reserved to said supposed owners, theirs heirs and assigns;

Thence N. 03° 27’ 57” E., 511.07 feet, by the westerly line of Lot 5, the excluded and reserved property, to a point in the southerly layout line of Malden Street, on the easterly bank of Malden Brook;

Thence N. 83° 05’ 23” W., 93.03 feet, by the southerly layout line of Malden Street, to a point therein;

Thence Northwesterly, by the southerly layout line of Malden Street, along the arc of a curve to the right, having a radius of 500.00 feet, an arc distance of 201.82 feet, to a point of tangency at the beginning of another curve in the line;

Thence Northwesterly, still by the southerly layout line of Malden Street, along the arc of a curve to the right, having a radius of 243.94 feet, an arc distance of 12.65 feet, to a point of tangency, said point being the first mentioned point at the northwesterly corner of the parcel herein being described, the point and place of beginning.

Containing 6.1 acres, more or less, as shown as Lot 6A upon a plan entitled, “Plan Of Land In West Boylston, Mass. Prepared For David H. & Karen W. Hennessy”, dated June 26, 2001, and prepared by Whitman & Bingham Associates, Inc., Steven J. Whitman, R.P.L.S. (Plan 15-C-213B) which plan shall be recorded with Worcester District Registry of Deeds, at a later date, and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Malden Street, which may be held by the supposed owners as a result of their ownership of the above described premises, and being most of the same premises described in a deed from Philip H. Ackert and Rita E. Ackert

to David H. Hennessy and Karen W. Hennessy, dated September 17, 1999 and recorded with Worcester District Registry of Deeds at Book 21853, Page 248.

The above-described property, Parcel 6A, taken herein and hereby, is represented upon West Boylston Assessors Tax Map 144 as Parcel 34. The above referenced Lot 5, excluded and reserved to the supposed owners listed below, is represented as Parcel 34.1 upon that same Tax Map 144.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
David H. Hennessy Karen W. Hennessy	$ 122,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 122,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Mr. Gray, June 25, recommending that the Commission adopt an Order of Taking for acquisition of approximately 24 acres of land owned by Judith A. Brunelle, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $ 110,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 24 acres of land owned by Judith A. Brunelle, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 28, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the westerly side of the road leading from Hubbardston to Templeton, known as New Templeton Road, more particularly bounded and described as follows:

Beginning at a point in the westerly line of the said town road, at the southwesterly corner of the parcel herein being described, and the northwesterly corner of the abutting parcel, formerly of one Pierce, and now or formerly, of Martin Ellowitz (see the deed recorded with Worcester District Registry of Deeds at Book 9353, Page 360);

Thence	N. 68° W., 104 rods, more or less, or 1716 feet, more or less, by land, now or formerly, of Martin Ellowitz, and running to a point in the center line of Natty Pond Brook, at land, formerly of one Grimes, later of Hobart Clark, and now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the third parcel, the "Murdock Lot", described in the deed of Hobart Clark to the Metropolitan District Water Supply Commission, dated March 31, 1934 and recorded with said Deeds, on April 24, 1934 at Book 2607, Page 426);
Thence	Northerly and upstream, along the center line of Natty Pond Brook, about 800 feet, by estimate, to a point opposite and in line of a ditch on the easterly shore, at land, formerly of one Grimes, later of Hobart Clark, and now of the Commonwealth of Massachusetts, MDC (see the first described parcel, the "Gates Lot" in the above cited deed of Hobart Clark to the Metr. Distr. Water Supply Comm.);
Thence	Southeasterly, 650 feet, more or less, by the "Gates Lot", running by the ditch and entering and running by a stone wall, to a point in a wall corner;
Thence	Northeasterly, 450 feet, more or less, by the wall and the "Gates Lot", to a point at an angular corner therein;
Thence	Southeasterly, 920 feet, more or less, by the stone wall and the "Gates Lot", to a point in a corner of the wall, at a wall junction;

Thence Northeasterly, 175 feet, more or less, by the stone wall and the "Gates Lot", to a point in the westerly line of New Templeton Road (the last five courses, by land formerly of Hobart Clark and now of the Commonwealth of Massachusetts, are as shown upon Sheet 285 of a set of Plans entitled "Commonwealth of Massachusetts, Metr. Distr. Water Supply Commission, Ware River Watershed – Land & Topographic Survey", drawn at a scale of 1"= 200', which plan is on file both at MDC Headquarters located at 20 Somerset Street, Boston MA and at the Quabbin Reservoir Administration Building, located at 485 Ware Road Belchertown, MA);

Thence Southerly, by the westerly line of the road, about 675 feet, by estimate, to the first mentioned point at the southeasterly corner of the parcel herein being described, at land, now or formerly, of Martin Ellowitz, being the point and place of beginning.

Containing 24 acres, more or less, by previous deed description.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in New Templeton Road, which may be held by the supposed owner as a result of her ownership of the above described premises, and being the same premises described in a deed from Theresa R. Stickney to Judith A. Brunelle, dated November 26, 1991 and recorded with Worcester District Registry of Deeds at Book 13811, Page 258.

The above-described property is represented upon Hubbardston Assessors Tax Map 5-C as Parcel 9.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Judith A. Brunelle	$ 110,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 110,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Ms. McLaughlin, June 25, recommending that the Commission adopt an Order of Taking for acquisition of approximately 6.17 acres of land owned by Helen Wasuik, Trustee of the Charles J. Warren Trust, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $ 150,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 6.17 acres of land owned by Helen Wasuik, Trustee of the Charles J. Warren Trust, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 28, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the southwesterly side of Redemption Rock Trail-Route 140, more particularly bounded and described as follows:

Beginning at a point in the southwesterly line of the said road, at the northernmost corner of the parcel herein being described, and the southeasterly corner of land, formerly of the Mary E. Reed Estate, now or formerly, of Ronald Thompson (see the deed dated 4/22/85 recorded with Worcester District Registry of Deeds at Book 8664, Page 56);

Thence Southeasterly, 644.08 feet, by the southwesterly line of the highway, to a point at land, formerly of Clarence W. Gustafson, now or formerly, of Philip J. & Blanche R. Bowles (see the deed dated 2/22/77 recorded with said Deeds at

Book 6128, Page 133; note: Assessors records call for 639 feet, more or less, for this course);

Thence S. 81° 15' W., about 690 feet, more or less, by land, formerly of C.W. Gustafson, now or formerly, of P.J. & B.R. Bowles, to a point at the northeasterly corner of land, now or formerly, of Lewis M. & Margaret Thomas (see the deed dated 9/20/37 recorded with said Deeds at Book 2705, Page 392);

Thence N. 53° W., about 199.85 feet, more or less, by land, now or formerly, of L.M. & M. Thomas, to a point at land, formerly of the Mary E. Reed Estate, now or formerly, of Ronald Thompson, (note: the present deed calls for about 178 feet for this course);

Thence N. 33° 45' E., 21 rods and 6 links, or 350.46 feet, more or less, by land, now or formerly, of R. Thompson, to a point at an angle in the line;

Thence N. 57° 20' E., 38 rods and 13 links, or 635.58 feet, more or less, by land, now or formerly, of R. Thompson, to the first mentioned point in the northernmost point of the parcel being described herein, and the southwesterly line of Redemption Rock Trail, being the point and place of beginning.

Containing 6.25 acres, more or less, by previous deed description, or 6.17 acres, more or less, as carried upon the Sterling Assessors work card.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Redemption Rock Trail-Route 140, which may be held by the supposed owner as a result of her ownership of the above described premises, and being the same premises described in a deed from Charles J. Warren to Helen Wasuik, Trustee of the Charles J. Warren Trust, dated 1st August, 1990 and recorded with Worcester District Registry of Deeds at Book 13079, Page 110. (See the Declaration of Trust, dated 14th September, 1990 recorded with said Deeds at Book 13079, Page 107).

The above-described property is represented upon Sterling Assessors Tax Map 51 as Parcel 17.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph

communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Helen Wasuik, Trustee of the Charles J. Warren Trust	$ 150,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 150,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Mr. Gray, June 25, recommending that the Commission approve an acquisition by deed of gift of approximately 68 acres of land owned by Donald W. Stone, located in the Town of Phillipston, Massachusetts, for watershed protection purposes.
The Commission V O T E D: to approve an acquisition by deed of gift of approximately 68 acres of land owned by Donald W. Stone, located in the Town of Phillipston, Massachusetts, for watershed protection purposes.

2. Report of Ms. McLaughlin, June 25, recommending that the Commission approve, adopt and execute a Memorandum of Understanding for the protection of the Nashua River Basin, by and among the Commission, the Executive Office of Environmental Affairs, and the City of Worcester, concerning certain lands lying within both the Nashua River Basin and the Wachusett Reservoir watershed, in accordance with the provisions of said Memorandum and in furtherance of mutual watershed protection interests; and to further authorize Commissioner Balfour to sign, on behalf of the Commission, the final draft of said Memorandum, if said Memorandum is not finalized and available for execution at the meeting of the Commission on June 28, 2001; and to further authorize Commissioner Balfour to sign, on behalf of the Commission, all other documents relating to and required by this matter.
The Commission V O T E D: to approve, adopt and execute a Memorandum of Understanding for the protection of the Nashua River Basin, by and among the Commission, the Executive Office of Environmental Affairs, and the City of Worcester, concerning certain lands lying within both the Nashua River Basin and the Wachusett Reservoir watershed, in accordance with the provisions of said Memorandum
The Secretary then submitted for signature the Memorandum of Understanding, dated June 28, 2001, for the protection of the Nashua River Basin, by and among the Commission, the Executive Office of Environmental Affairs, and the City of Worcester which was signed by the Commissioner and four Associate Commissioners.
The Commission further V O T E D: to authorize Commissioner Balfour to sign, on behalf of the Commission, all other documents relating to and required by this matter

1. Report of Mr. Collette, June 25, recommending that the Commission adopt an Order of Taking for acquisition of approximately 0.731 acres of land owned by Baker Square II Limited Partnership, et al, located in the City of Boston, Massachusetts, and to approve an award of damages in the amount of $ 450,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8960.
The Commission V O T E D: to Order of Taking for acquisition of approximately 0.731 acres of land owned by Baker Square II Limited Partnership, et al, located in the City of Boston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 28, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take an easement for public access purposes, to and from the waters of the Neponset River, for park and reservation enhancement and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, in, through and upon the following described land situated in the City of Boston in the County of Suffolk and Commonwealth of Massachusetts, namely:

A certain parcel of land lying in the Dorchester District of the City of Boston, bounded generally Westerly by the easterly line of Central Avenue, Northerly and Easterly by other land, now or formerly, of Baker Square II Limited Partnership, and Southerly by the High Water Mark on the northerly bank of the Neponset River, and mostly as shown as "Access Easement 'A'" upon a two sheet survey plan entitled "Easement Plan of Land in Boston (Dorchester) MA , prepared for Baker Square LP II.", dated October 27, 2000, prepared by Hancock Survey Associates, Inc., 235 Newbury Street, Danvers, MA at a scale of 30 feet to an inch, , which plan shall be corrected and revised, the said revised plan shall be recorded with Suffolk County Registry of Deeds, at a later date, and be made a part of this taking, said parcel being more particularly bounded and described as follows:

Beginning at a point in the easterly line of Central Avenue, which point is located S. 11° 33' 13" E., 85.19 feet from a stone bound with drill hole found in the easterly line of Central Avenue, at land, now or formerly, of Boston Edison Company;

Thence S. 87° 40' 30" E., 62.23 feet, to a point;

Thence S. 02° 13’ 30” W., 22.00 feet, to a point (Line 25, on the above cited plan);

Thence S. 87° 40’ 32” E., 34.41 feet, to a point;

Thence N. 89° 41’ 26” E., 32.20 feet, to a point;

Thence N. 81° 06’ 03” E., 29.64 feet, to a point (Line 24);

Thence N. 73° 27’ 11” E., 23.71 feet, to a point (Line 23);

Thence N. 69° 03’ 59” E., 29.31 feet, to a point (Line 22);

Thence N. 69° 00’ 00” E., 139.16 feet, to a point;

Thence N. 71° 50’ 11” E., 9.92 feet, to a point (Line 21);

Thence N. 78° 55’ 31” E., 9.51 feet, to a point (Line 20);

Thence N. 84° 11’ 49” E., 34.63 feet, to a point;

Thence N. 84° 15’ 49” E., 23.71 feet, to a point (Line 19);

Thence N. 84° 15’ 49” E., 24.52 feet, to a point (Line 18);

Thence N. 84° 15’ 49” E., 27.20 feet, to a point (Line 17);

Thence N. 84° 15’ 49” E., 27.47 feet, to a point (Line 16);

Thence N. 84° 36’ 23” E., 14.93 feet, to a point (Line 15);

Thence N. 88° 15’ 25” E., 38.23 feet, to a point;

Thence S. 89° 47’ 56” E., 26.57 feet, to a point (Line 14);

Thence S. 77° 46’ 56” E., 4.47 feet, to a point (Line 13);

Thence Southeasterly along the arc of a curve to the right, having a radius of 5.00 feet, an arc distance of 8.66 feet, to a point of tangency, the bearing and chord for said arc being S. 28° 11’ 10” E., 7.61 feet (Curve C3);

Thence S. 21° 24’ 36” W., 3.12 feet, to a point (Line 12);

Thence S. 68° 24’ 40” E., 154.00 feet, to a point;

Thence N. 21° 25’ 41” E., 4.98 feet, to a point (Line 11);

Thence Northeasterly along the arc of a curve to the right, having a radius of 4.00 feet, an arc distance of 6.28 feet, to a point of tangency, the bearing and chord for said arc being N. 66° 23’ 31” E., 5.65 feet, (Curve C2);

Thence S. 68° 38’ 00” E., 31.27 feet, to a point (Line 10);

Thence S. 73° 16’ 54” E., 13.63 feet, to a point (Line 9);

Thence S. 79° 20’ 37” E., 7.73 feet, to a point (Line 8);

Thence S. 86° 01’ 45” E., 15.82 feet, to a point (Line 7);

Thence N. 86° 01’ 14” E., 11.92 feet, to a point (Line 6);

Thence Southeasterly along the arc of a curve to the right, having a radius of 4.00 feet, an arc distance of 5.91 feet, to a point of tangency, the bearing and chord for said arc being S. 51° 39’ 41” E., 5.39 feet (Curve C1);

Thence S. 09° 20’ 36” E., 5.10 feet, to a point (Line 5);

Thence N. 77° 10’ 38” E., 13.35 feet, to a point (Line 4);

Thence N. 71° 57’ 11” E., 23.75 feet, to a point (Line);3

Thence N. 71° 48’ 32” E., 48.47 feet, to a point;

Thence N. 71° 48’ 32” E., 46.62 feet, to a point;

Thence N. 14° 45’ 20” W., 3.00 feet, to a point (Line 37);

Thence S. 14° 48’ 19” E., 42.29 feet, running partially parallel to and mostly by the westerly wall of a four-story brick building, known as the “ Water Mill”, or “ Power House”, to a point at a corner therein;

Thence N. 75° 11’ 41” E., 1.65 feet, by the wall of the building, to a point at another corner therein (Line 2);

Thence S. 14° 55’ 09” E., 16.58 feet, by the wall of the building, to a point at it’s southwesterly corner, which point is in the northerly face of the 2.0 foot wide concrete retaining wall on the northerly edge of the Neponset River (Line 1);

Thence S. 72° 28' 37" W., 21.10 feet, along the face of the concrete retaining wall, to a point therein (Line 40);

Thence S. about 78° W., 48 feet, more or less, along the face of the retaining wall to a point at an angle in the wall;

Thence N. about 85° W., 120 feet, more or less, along the face of the retaining wall, to a point at an angle in the wall;

Thence N. about 32° W., 26 feet, more or less, along the face of the retaining wall and crossing the northeasterly end of the, 1 rod wide, former railroad spur bridge, constructed in 1905, to serve the Walter Baker Co., Ltd., and running to a point in the face of the wall, at the northwesterly corner of said bridge;

Thence N. about 66° 30' W., 202 feet, more or less, along the face of the retaining wall, to a point at a bend in the wall;

Thence N. about 84° W., 41 feet, more or less, along the face of the retaining wall, to a point at another bend in the wall;

Thence Due West, by estimate, 167 feet, more or less, along the face of the retaining wall, to a point, at another bend in the wall;

Thence S. about 70° W., 275 feet, more or less, along the face of the retaining wall, to a point in the wall where the Mean High Water Line, as shown on the referenced plan, to be revised, intersects with the face of the wall;

Thence Southerly and westerly, running upstream along the Mean High Water Line, 97.5 feet, more or less, to a point in the easterly line of the Central Avenue Bridge;

Thence N. 11° 33' 13" W., 86 feet, more or less, by the easterly line of the bridge and Central Avenue, to the first mentioned point, being the point and place of beginning.

Containing about 30,640 square feet, more or less, or about 0.70 acres, more or less, mostly as shown upon the survey plan referenced above, to be revised, and recorded at a later date, and made a part hereof.

ALSO, said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and on behalf of the Commonwealth of Massachusetts, under the statutory authorizations, and for the purposes aforesaid, the right and easement to that portion of the surface of the former railroad spur bridge, constructed across the Neponset River by the Walter Baker Company, Limited, in 1905, which lies within the corporate limits of the City of Boston,

and is owned by the supposed owners listed below. This northeasterly portion of the surface of the bridge, whose total dimensions are approximately 16.5 feet wide by 200 feet long, is estimated to be 1188 square feet in size, as scaled from BRA Topographic And Planimetric Survey 1965, Sheets 9N-12E and 8N-12E, drawn at a scale of 1"=100'.

The total area of easements in Land and Structures, taken herein and hereby, is calculated to be 31,828 square feet, more or less.

AND, said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and on behalf of the Commonwealth of Massachusetts, under the statutory authorizations, and for the purposes aforesaid, as well as for the purpose of public safety, the right and easement to place a substantial metal fence on, into, upon, or affixed to the top or face of the concrete retaining wall referenced above running along the northerly bank of the Neponset River and the southerly line of the public access easement set forth above.

Meaning and intending to take hereby an easement for public access, across the above described premises, howsoever the same may be bounded and described, and being a portion of the same premises described in a deed from Bertram R. Paley, as Trustee of Walter Baker Realty Trust, a Massachusetts nominee trust, to Baker Square Limited Partnership, a Massachusetts limited partnership, dated 19 October 1987, and recorded with Suffolk County Registry of Deeds in Book 14161, Page 36.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all appurtenant easement interests required to preserve and maintain the rights for public access so taken.

All respective rights and easements of the City of Boston and the public, and the owners of record in and to the use of the above described premises are hereby reserved for al lawful purposes which are not inconsistent with the use of same for public access purposes and for the construction, inspection, repair, renewal, replacement, operation and maintenance of said public paths, walkways, sidewalks and appurtenances. No buildings or structures or foundations of buildings or structures, or parts thereof, shall hereafter be erected, placed or maintained thereon.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

SUPPOSED OWNERS	AWARD
Baker Square Limited Partnership, et al	$ 450,000.00

The Commission further VOTED: to approve an award of damages in the amount of $ 450,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 27, recommending that the Commission authorize the expenditure of an amount not to exceed $ 235,000 to complete appropriate environmental remediation on site, at a certain parcel of park land acquired by the Commission in 1995 from Nondas Lagonakis, et al, Trustees of N & C Realty Trust, which parcel is located at 828-848 Boston Street in the City of Lynn, and contains approximately 1.428 acres of land; and to further authorize such expenditure from Account No. 2440-9960, Account No. 2440-8960, or in any other account or accounts deemed appropriate by the Finance Office; and to further approve an agreement between the MDC, N&C Realty Trust, and Loitherstein Environmental Engineering, Inc. to release any and all present or future claims concerning the environmental remediation and cleanup of this property; and to further authorize the Secretary to the Commission to sign said Agreement on behalf of the Commission, and any and all other documents concerning the environmental remediation and cleanup of this property.

The Commission V O T E D: to authorize the expenditure of an amount not to exceed $ 235,000 to complete appropriate environmental remediation on site, at a certain parcel of park land acquired by the Commission in 1995 from Nondas Lagonakis, et al, Trustees of N & C Realty Trust, which parcel is located at 828-848 Boston Street in the City of Lynn, and contains approximately 1.428 acres of land.

The Commission further V O T E D: to authorize such expenditure from Account No. 2440-9960, Account No. 2440-8960, or in any other account or accounts deemed appropriate by the Finance Office; and to further approve an agreement between the MDC, N&C Realty Trust, and Loitherstein Environmental Engineering, Inc. to release any and all present or future claims concerning the environmental remediation and cleanup of this property.

The Commission further V O T E D: to authorize the Secretary to the Commission to sign said Agreement on behalf of the Commission, and any and all other documents concerning the environmental remediation and cleanup of this property.

Adjourned at 9:25 a.m., to meet on Thursday, July 12, 2001, at 9:00 a.m.

William J.
Secretary

Record of the Three Thousand Nine Hundred and Ninetieth (3990th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, July 12, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on June 21, 2001, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and four Associate Commissioners:

1. Amendment No. 5, dated July 12, 2001, to Contract No. P95-1804-D1A, with Sasaki Associates, for Dorchester Shores Beaches Restoration Program.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and DiPietro, June 19, submitting for approval and execution Joint Funding Agreement with the United States Department of the Interior, Geological Survey, Contract No. P88-1530-M9A, for Gaging Stations within the Charles and Mystic River Watersheds.
Time for Performance – October 1, 2001 to September 30, 2002.
MDC Share - $76,653.00 – Account No. 2440-0010-TT and 2440-8950 for FY2002, Funds for FY2003 are contingent upon budget appropriation.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Joint Funding Agreement, dated July 12, 2001, with the United States Department of the Interior, Geological Survey, Contract No. P88-1530-M9A, for Gaging Stations within the Charles and Mystic River Watersheds, which was signed by the Commissioner and four Associate Commissioners.

3. Report of Messrs. Faucher, Brooks, Misslin and Gabra, July 2, on bids to Furnish and Install a New Backflow Preventer and Water Meter at the Maintenance Garage, Hull, Contract No. P01-2131-C1A.
(Messrs. Faucher, Brooks, Misslin and Gabra recommend acceptance of the lowest bid received, that of P.J. Kennedy & Sons, Inc., of $4,600.00).
Associate Commissioner Rollins noting the poor EEO Compliance ratings given to Patrick J. Kennedy and Sons, Inc., on prior MDC Contracts, objected to the award and stated she would not vote in favor of this Item.
The Commission V O T E D: to accept the lowest bid received, that of P.J. Kennedy & Sons, Inc., of $4,600.00.

4. Report of Messrs. Faucher, Misslin, Brooks and Haider, July 6, on bids for Service and Maintenance of HVAC Systems at Various MDC Facilities, Contract No. P01-2125-M1A.
(Messrs. Faucher, Misslin, Brooks and Haider recommend acceptance of the lowest bid received, that of Patrick J. Kennedy and Sons, Inc., of $154,850.00).

Associate Commissioner Rollins noting the poor EEO Compliance ratings given to Patrick J. Kennedy and Sons, Inc., on prior MDC Contracts, objected to the award and stated she would not vote in favor of this Item.
The Commission V O T E D: to accept the lowest bid received, that of Patrick J. Kennedy and Sons, Inc., of $154,850.00.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Baratta, June 6, requesting approval of revision in quantities No. 2 – decreasing the upset limit by $140,323.20 (from $6,068,754.60 to $5,928,431.40), as provided for in the schedule of quantities, on Contract No. WM97-061-C1H [97-1H], with Albanese Brothers, Inc., for Fort Sumter/Center/Davis Hill – West Sewers, Holden.
The Commission V O T E D: Approved as requested by Messrs. McGinn and Baratta in their report of June 6, 2001

2. Report of Messrs. McGinn and Baratta, June 19, requesting approval of revision in quantities No. 2 – for drainage and roadway improvements no loner needed – at a decrease in the upset limit by $194,214.00 (from $6,746,945.92 to $6,552,731.92) on Contract No. WM97-061-C1A [97-4W] with J. A. Polito & Sons, Inc., for Phase III, Sewer Construction – West Boylston Bunker Hill/Meadowbrook – East.
The Commission V O T E D: Approved as requested by Messrs. McGinn and Baratta in their report of Jun 19, 2001.

3. Report of Messrs. McGinn and Baratta, June 21, requesting approval of revision in quantities No. 3 – for drainage and roadway improvements no longer need – at a decrease in the upset limit by $491,647.00 (from $7,042,723.17 to $6,551,076.17), on Contract No. WM98-061-C1A [97-5W}, with FED Corporation, for Prospect/Shrine/Meadowbrook – West Boylston.
The Commission V O T E D: Approved as requested by Messrs. McGinn and Baratta in their report of June 21, 2001.

Action was taken upon the following Various Matter:

4. Report of Mrs. Overton Bussell, July 3, requesting approval of a Permit for a Pilot Kayak Tour Program, with Kayak Adventures, Inc., 411A Highland Avenue, No. 372, Somerville, MA 02144, at Savin Hill/Malibu Beach in Dorchester for the Summer of 2001 and further to authorize the Secretary of the Commission to execute the Permit on behalf of the Commission.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize the Secretary of the Commission to execute the Permit on behalf of the Commission.

Adjourned 9:45 a.m., to meet on Thursday, July 19, 2001, at 9:00 a.m.

Secretary

Record of the Three Thousand Nine Hundred and Ninety First (3991st) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, July 19, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on June 28, 2001, were read and approved.

The Secretary submitted for signature the following papers which were signed the Commissioner and three Associate Commissioners:

1. Contract No. P01-2126-M1A, dated July 19, 2001, with Patrick J. Kennedy & Sons, Inc., for Service and Maintenance of HVAC Systems at Various Flood Control/Navigation Sites.

2. Contract No. P01-2125-M1A, dated July 19, 2001, with Patrick J. Kennedy & Sons, Inc., for Service and Maintenance of HVAC Systems at Various MDC Facilities.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, July 6, recommending approval of an extension of time from July 24, 2001 to December 31, 2001, on Contract No. P00-2077-D1A, with VHB, Inc., for Licensed Site Professional Services for MDC Facilities at 164 Pond Street, Stoneham.
(At no additional cost to the MDC).
The Commission V O T E D: Approved.

4. Report of Mr. Faucher and Ms. Graves-Jones, July 10, recommending approval of a revision in quantities on Item No. 003-010 – 4 Inch Reflectorized Line (Thermoplastic) – at an increase of $18,550.00, on Contract No. P00-2080-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 007-010 – Reflectorized Pavement Symbols and Legends (Thermoplastic).
The Commission V O T E D: Approved.

5. Report of Messrs. Faucher, Misslin, Brooks and Balicki, July 10, recommending approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on Contract No. P01-2111-C1A, with B.S.A. Painting Co., Inc., for Water Blasting, Patching, Painting and Caulking Swimming Pools at Various MDC Locations, as follows –

Item No. 001 – Waterblast	- $4,500.00
Item No. 004 – Painting	- $3,125.00
Total	- $7,625.00

Account No. 2440-7992.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in revisions in quantities on Contract No. P01-2111-C1A.

The Commission further V O T E D: to approve the revisions in quantities, in the amount of $7,625.00.

1. Report of Messrs. Faucher, Misslin, Brooks and Balicki, July 10, recommending approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on Contract No. P01-2111-C1A, with B.S.A. Painting Co., Inc., for Water Blasting, Patching, Painting and Caulking Swimming Pools at Various MDC Locations, as follows –

Item No. 001 – Scrape & Paint	- $1,500.00
Item No. 004 – Painting	- $3,000.00
Total	- $4,500.00

Account No. 2440-7992.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in revisions in quantities on Contract No. P01-2111-C1A
The Commission further V O T E D: to approve the revisions in quantities, in the amount of $4,500.00.

2. Report of Messrs. Faucher, Misslin, Brooks and Kane, June 19, recommending the following on Contract No. P00-2042-C1A, with Massey Construction Corporation, for Renovations to the McCrehan Memorial Pool House,
Cambridge –
(a) That work be accepted as completed as of December 31, 2000.
(b) That Estimate No. 3 (Final), in the amount of $6,729.80, be approved for payment.
(c) That reserve, in the amount of $354.20, be approved for payment.
(Basis of Award - $197,000.00)
(Amount to Date - $222,609.57)
(Contract Performance Rating – 90 with 100 being excellent)
(EEO Compliance – 2.17)
The Commission V O T E D: that the work of Massey Construction Corporation, Contractor under Contract No. P00-2042-C1A, be and hereby is accepted as completed as of December 31, 2000. The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $6,729.80, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $354.20, for payment.

3. Report of Messrs. Faucher, Misslin, Brooks and Martinez, June 21, recommending the following on Contract No. P01-2122-C1A, with Jay-Mor Enterprises, Inc., for Demolition of the Maintenance and Sanitary Building at Breakheart Reservation, Saugus –
(a) That work be accepted as completed as of May 22, 2001.
(b) That Estimate No. 1 (Final), in the amount of $27,455.00, be approved for payment.
(c) That reserve, in the amount of $1,445.00, be approved for payment.
(Basis of Award - $28,900.00)
(Amount to Date - $28,900.00)
(Contract Performance Rating – 88 with 100 being excellent)
(EEO Compliance – 4.00)

The Commission V O T E D: that the work of Jay-Mor Enterprises, Inc., Contractor under Contract No. P01-2122-C1A, be and hereby is accepted as completed as of May 22, 2001.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $27,455.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,445.00.

1. Report of Messrs. Faucher and Soroka, July 11, recommending approval of Extra Work Order No. 1 – to install Woven Geotextiles Fabric – at a cost of $4,000.00 and Extra Work Order No. 2 - to install Sign Post along Route 16 in Everett – at a cost of $6,520.00, on Contract No. P99-1988-C1A, with MRP Site Development, Inc., for Santilli Circle Safety Improvements, Everett. (At no additional cost as the extra work will be offset by unused quantities in Item No. 120-100 - Unclassified Excavation).
The Commission V O T E D: to approve of Extra Work Order No. 1, in the amount of $4,000.00. The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount $6,520.00.

2. Report of Messrs. Faucher and Soroka, July 11, recommending approval of revisions in quantities on Contract No. P00-2034-M1A, with Coviello Electric an General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Charles River Basin Districts, as follows –

Item No. 003-020 – Traffic Signal Knockdown Repair	- $4,550.00
Item No. 006-010 – Vehicle Signal Head 8" Single Section	- $ 200.00
Item No. 017-010 – Detector Lead-in Cable	- $ 400.00
Item No. 020-010 – Traffic Control Service	- $2,070.00
Total	- $7,220.00

(At no additional Contract cost as the revisions will be offset by unused quantities in Item Nos. 002-020, 004-010, 006-020 and 008-020).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Brooks, Misslin and Haider, July 16, on bid proposals for Removal of a Broken Glass Window and Furnishing and Installing a Replacement Glass Window at the Pump Station, Charles River Dam, Charlestown, Contract No. P01-2133-M1A.
(Messrs. Faucher, Brooks, Misslin and Haider recommend acceptance of the only bid proposal received, that of Delta Glass Service, of $5,000.00).
The Commission V O T E D: to accept the only bid proposal received, that of Delta Glass Service, of $5,000.00.

4. Report of Messrs. Faucher, Brooks, Misslin and Haider, July 17, recommending that the Commission approve a revision in quantities on Item No. 001-010 – for diving services – at a cost of $1,915.00 and ratify the action of Deputy Commissioner Faucher resulting in Extra Work Order No. 1 – for repairs to the 4 inch water line servicing Georges Island – with the cost not-to-exceed $49,000.00, on Contract No. P00-2060-M1A, with Inner Space Services, Inc., for Maintenance and Service to Underwater Structures at Various Flood Control/Navigation Sites. Funding from Account No. 2440-0010.
The Commission V O T E D: to approve the revision in quantities on Item No. 001-010, in the amount of $1,915.00.

The Commission further V O T E D: to ratify the action of Deputy Commissioner Faucher which resulted in Extra Work Order No 1, on Contract No. P00-2060-M1A.
The Commission further V O T E D: to approve Extra Work Order No. 1, at a cost not-to-exceed $49,000.00.

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Vignaly, June 27, submitting for approval and execution Joint Funding Agreement with the United States Department of the Interior, Geological Survey, Contract No. WM02-027-S1A, for Monitoring and Publishing Data for Eight Stream Gages Throughout the Sudbury, Wachusett, Ware River and Quabbin Watersheds.
Time for Performance – October 1, 2001 through September 30, 2002.
MDC Share - $50,445.00.
Funding from Account No. 2420-1400-TT.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Joint Funding Agreement, dated July 19, 2001, with the United States Department of the Interior, Geological Survey, Contract No. WM02-027-S1A, which was signed by the Commissioner and four Associate Commissioners.

2. Report of Messrs. McGinn and Scannell, July 10, recommending award of a Contract for Solid Waste and Recycling Services FY2002 – 2004 for Wachusett/Sudbury and Division Field Headquarters Facility to E. L. Harvey and Sons, Inc., as follows –

MDC Division of Watershed Management
West Boylston Field Headquarters
77 Lancaster Street
West Boylston, MA 01583
One (1) eight-cubic yard container and one (1) residential-size wheeled container for paper recycling –
Year 1 $200.00 per month x 12 months = $2,400.00
Year 2 $200.00 per month x 12 months = $2,400.00
Year 3 $200.00 per month x 8 months = $1,600.00
Subtotal.............$6,400.00

MDC Division of Watershed Management
180 Beaman Street
West Boylston, MA 01583
One (1) ten-cubic yard container and three (3) residential-size wheeled containers for paper recycling –
Year 1 $165.00 per month x 12 months = $1,980.00
Year 2 $165.00 per month x 12 months = $1,980.00
Year 3 $165.00 per month x 8 months = $1,320.00
Subtotal.............$5,280.00

MDC Division of Watershed Management
Wachusett Sudbury Section
500 Wilson Street
Clinton, MA 01510
One (1) ten-cubic yard container and three (3) residential-size wheeled containers for paper recycling –
Year 1 $200.00 per month x 12 months = $2,400.00
Year 2 $200.00 per month x 12 months = $2,400.00
Year 3 $200.00 per month x 8 months = $1,600.00
Subtotal.............$6,400.00

Total...............$18,080.00

Time for Performance – July 1, 2001 through February 13, 2004.
Account No. 2420-1400-JJ-J39.
Total Cost not-to-exceed - $18,080.00.
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Scannell in their report of July 10, 2001.

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Mr. Collette, July 12, recommending that the Commission ratify the vote of the Commission at its meeting of June 14, 2001, and adopt an Order of Taking for acquisition of approximately 2.868 acres of land owned by Giuseppe Trichilo, et als, Trustees of Fazerilo Realty Trust, located in the City of Revere, Massachusetts, and to approve an award of damages in the amount of $ 75,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and General Laws, Chapter 79A, Section 1 et seq., and to withhold a sum of $ 59,000 from the award of damages for environmental remediation.
Account No. 2440-8960.
The Commission V O T E D: to ratify the vote of the Commission at its meeting of June 14, 2001, and adopt an Order of Taking for acquisition of approximately 2.868 acres of land owned by Giuseppe Trichilo, et als, Trustees of Fazerilo Realty Trust, located in the City of Revere, Massachusetts, and to approve an award of damages in the amount of $ 75,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and General Laws, Chapter 79A, Section 1 et seq.,
The Commission further V O T E D: to withhold a sum of $ 59,000 from the award of damages for environmental remediation.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, July 19, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Revere in the County of Suffolk and Commonwealth of Massachusetts, namely:

Four certain parcels of land lying on Glendale, Intervale and Argyle Streets in the Oak Island Grove Section of the said City of Revere, more particularly bounded and described as follows:

Parcel 1

A parcel of land consisting of fourteen subdivided contiguous lots, each measuring 20'by 80' bounded and described as follows:

SOUTHEASTERLY by Intervale Street, 140 feet;
SOUTHWESTERLY by Argyle Street, 160 feet;
NORTHWESTERLY by Glendale Street, 140 feet;
NORTHEASTERLY by Lots 563 and 548, 160 feet.

Containing 22,400 square feet, more or less, as shown as Lots 549 through 562, inclusive, upon a survey plan entitled "Plan of Land At Oak Island, Revere, Mass., Walter H. Gleason, Trustee", which plan, dated May 1922, and prepared by J.S. Crossman, C.E., is recorded with Suffolk Registry of Deeds at Deed Book 4673, Page 15.

Parcel 2

A parcel of land consisting of nine contiguous subdivided lots, each measuring 20'by 80', adjoining the northwesterly line of Parcel 1, as described above, bounded and described as follows:

Lot 93 on the Northwesterly side of Intervale Street, and Lots 97 through 101 inclusive, lying on the Southeasterly side of Glendale Street, comprising, in total, 9000 square feet, more or less, as shown upon a survey plan entitled "Plan of Oak Island Grove, Revere, Mass., Owned by John E.V. Hayden and John H. Kelley, Trustees", which plan, dated September 1906, and prepared by E.G. Mann, Civil Engineer and Surveyor, 12 Pearl St. Boston, is recorded with said Deeds at Deed Book 3230, Page 620;

AND

Lots 545, 546 and 547 on the Southeasterly side of Glendale Street, comprising, in total 5400 square feet, more or less, as shown upon a survey plan entitled "Plan of House Lots at Oak

Island Revere", which plan, dated May 1913, and prepared by F.P. Hall, Surveyor, Boston, is recorded with said Deeds at Deed Book 3743, at the End.

Parcel 2 contains, in total, 14,400 square feet, more or less.

Parcel 3

A parcel of land consisting of 26 contiguous subdivided lots, each 20' in width, and varying in depth, lying between the northwesterly line of Glendale Street and the southeasterly line of the Boston & Maine Railroad, Eastern Division Rail-bed, more particularly bounded and described as follows:

Lot 184, containing 1890 square feet, more or less, and
Lot 185, containing 1896 square feet, more or less, as shown upon a survey plan entitled Plan of Land at Oak Island, Revere Mass.", which plan, dated July 1909, and prepared by F.P. Hall, C.E., 112 Water St. Boston, is recorded with said Deeds at Deed Book 3414, Page 77;

AND

Lot 113, containing 1902 square feet, more or less;
Lot 114, containing 1907 square feet, more or less;
Lot 132, the northeasterly half, containing 1003 square feet, more or less;
Lot 133, containing 2011 square feet, more or less;
Lot 134 containing 2016 square feet, more or less;
Lot 135, containing 2022 square feet, more or less; and
Lot 136, containing 2028 square feet, more or less,

All of the above Lots are as shown upon a survey plan entitled "Plan of Land at Oak Island Grove, Revere Mass., belonging to John E.V. Hayden", which plan, dated October 1910, prepared by Frederick P. Hall, Surveyor, 112 Water St. Boston is recorded with said Deeds at Deed Book 3638, Page 84;

AND

Lot 115, containing 1912 square feet, more or less;
Lot 116, containing 1913 square feet, more or less;
Lot 117, containing 1923 square feet, more or less;
Lot 118, containing 1929 square feet, more or less;
Lot 119, containing 1934 square feet, more or less;
Lot 120, containing 1939 square feet, more or less;
Lot 121, containing 1944 square feet, more or less;
Lot 122, containing 1951 square feet, more or less;
Lot 123, containing 1956 square feet, more or less;
Lot 124, containing 1962 square feet, more or less;
Lot 125, containing 1967 square feet, more or less;

Lot 126, containing 1973 square feet, more or less;
Lot 127, containing 1978 square feet, more or less;
Lot 128, containing 1984 square feet, more or less;
Lot 129, containing 1990 square feet, more or less;
Lot 130, containing 1995 square feet, more or less;
Lot 131 and the southwesterly half of Lot 132, containing 3003 square feet, more or less, all as shown upon the survey plan dated September 1906, prepared by E.G. Mann, which plan is the second plan referenced above in the description of Parcel 2.

The total area of the 26 contiguous Lots comprising Parcel 3 is 50,928 square feet more or less.

Parcel 4

A parcel of land consisting of 24 subdivided lots, all but two of which are 20' by 80' in size, being Lots 166 through 174, 174A through 174C, 175D through 175F, 175 through 182, and 183A, all as shown upon the survey plan dated May 1922, prepared by J.S. Crossman, C.E., being the first plan referenced above, in the description of Parcel 1, more particularly bounded and described as follows:

Beginning at the point at the southerly corner of the intersection of Glendale and Argyle Streets, and running thence;

SOUTHEASTERLY 160 feet, along Argyle Street, to the corner of Intervale Street;
SOUTHWESTERLY 254 feet, along Intervale Street, to a point at its terminus, at a ditch;
NORTHWESTERLY 161 feet, by the ditch, by owners unknown, to a point at Glendale Street;
NORTHEASTERLY 234 feet, along Glendale Street, to the point of beginning.

The total area of the 24 contiguous lots comprising Parcel 4 is 37,207 square feet, more or less.

The total area of all four of the parcels described above and taken herein and hereby is calculated to be 124,935 square feet, more or less, or 2.868 acres, more or less.

Parcel 1, as described above, is represented upon Revere Assessors Tax Maps as Plate 11/ Block 188D/ Lot7; Parcel 2 is represented as Plate11/ Block188D/ Lots 6, & 8-15 inclusive; Parcel 3 is represented as Plate10/ Block 188A/ Lots 33-23 inclusive and Plate 11/ Block 188A/ Lots 8-22 inclusive; and Parcel 4 is represented as Plate 10 / Block188A2 /Lot 1. (Note that Lot 183, as shown upon the recorded survey plans cited herein, is incorrectly shown as Lot 184 upon Revere Assessors Tax Maps, thus skewing the correct lots references for Parcel 3 as described above.)

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Glendale Street, and/or Intervale Street, and /or Argyle Street, which may be held by the supposed owners, as a result of their ownership of the above described property, and being the same premises described in a deed from Giuseppe Trichilo, Joseph J. Machera and Salvatore Fazio to Giuseppe Trichilo, Joseph J. Machera and Salvatore Fazio, as Trustees of the Fazerilo Realty Trust, dated

December 15, 1985 (see Suffolk Registry of Deeds Book 12256, Page 114) dated 3rd march 1988 and recorded with Suffolk County Registry of Deeds in Book 14544, Page 310.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Revere, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Giuseppe Trichilo, Joseph J. Machera, and Salvatore Fazio, Trustees of the Fazerilo Realty Trust	$ 75,000.00

1. Report of Mr. Gray, July 13, recommending that the Commission ratify the vote of the Commission at its meeting of June 21, 2001, and adopt an Order of Taking for acquisition of approximately 31 acres of land owned by the Sterling Camp Meeting Association, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $ 217,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to ratify the vote of the Commission at its meeting of June 21, 2001, and adopt an Order of Taking for acquisition of approximately 31 acres of land owned by the Sterling Camp Meeting Association, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $ 217,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, July 19, 2001

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the southeasterly side of Campground Road, shown as "Restricted Area ± 31 Acres" upon a plan " upon a plan prepared by MDC Division of Watershed Management personnel, dated May 25, 2001 and labeled 'EXHIBIT A' which plan is appended hereto, to be recorded herewith and made a part hereof, more particularly bounded and described as follows:

Beginning at the northwesterly corner of the parcel being described herein, at a stone monument set at a point in the southeasterly line of the said town road, to mark the northeasterly corner of the abutting lot, formerly land of Rosie A. Howe, now of the Commonwealth of Massachusetts, Metropolitan District Commission, (see Metropolitan Water & Sewer Board Taking No. 162, dated 5/12/1919, recorded with Worcester District Registry of Deeds at Book 2176, Page 115, see also the accompanying Taking Plan No. 196, recorded as Plan 41 in Plan Book 32);

Thence	N. 32° E., 620 feet, more or less, by the line of the road, to an angle in the line thereof;
Thence	N. 46° E., 650 feet, more or less, by the line of the road, to a point of curvature therein;
Thence	Northeasterly, 80 feet, more or less, by the curving line of the road, to a point, at other land, now or formerly, of the Sterling Camp Meeting Association, specifically excluded from the provisions of this instrument, shown as the "Unrestricted Area ± 31.5 Acres" upon 'EXHIBIT A';
Thence	S. 11° W., 720 feet, more or less, by the "Unrestricted Area", and running to a point at an angle in the line;
Thence	S. 69° W., 200 feet, more or less, by the "Unrestricted Area", and running to a point at another angle in the line;
Thence	S. 50° E., 370 feet, more or less, by the "Unrestricted Area", and running to a point at another angle in the line;

Thence S. 72° E., 580 feet, more or less, by the “Unrestricted Area”, and running to a point at another angle in the line;

Thence N. 64° E., 820 feet, more or less, by the “Unrestricted Area”, and running to a point in the southwesterly line of Campground Road;

Thence S. 43° E., 240 feet, more or less, by the southwesterly line of Campground Road, to a point;

Thence S. 39° 39’ 41” E., 28.49 feet, by Campground Road, to a point in the westerly side of an 8 foot wide cart road;

Thence S. 31° 29’ 15” W., 29.04 feet, by Campground Road, crossing the cart road and running to a point at the northwesterly corner of land, now of formerly, of New England Power Company (see the deed recorded with said Deeds at Book 2487, Page 163), said point being the northeasterly corner of land, formerly of Carrington F. Noel, now or formerly, of Francis X. & Anthony J. Tambolleo (see deed dated 1/26/1979 recorded with said Deeds at Book 6878, Page 215);

Thence S. 80° W., 379.5 feet, by land, formerly of C. F. Noel, now or formerly, of F.X. & A. J. Tambolleo, to a point at an angle in the line;

Thence S. 38° 15’ W., 1195 feet, more or less, by land, now or formerly, of F.X. & A.J. Tambolleo, to an iron pin found, at the southerly end of a stone wall, at the southwesterly corner of the parcel herein being described, said pin marking the southeasterly corner of land, formerly of Fox Hill Builders, Inc., now of the Commonwealth of Massachusetts, Metropolitan District Commission (see Order of Taking dated 11/20/1997 recorded with said Deeds at Book 19450, Page 1, and see also the Charles A. Perkins Co., Inc., plan dated August 1974, cited in that instrument, recorded as Plan 31 in Plan Book 407);

Thence N. 38° W., 1301.78 feet, by land of the Commonwealth of Massachusetts, MDC, and the stone wall, to a stone monument in a stone wall corner, at the southeasterly corner of the first mentioned abutting lot, formerly of Rosie A. Howe;

Thence Northwesterly, 305 feet, more or less, by land, formerly of Rosie A. Howe to the first mentioned stone monument in the southeasterly line of Campground Road, being the point and place of beginning.

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
Sterling Camp Meeting Association	±31 acres, more or less

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being a portion of the same premises described in the following instruments 1) a deed from John Gates to the Worcester District Methodist Episcopal Church Camp Meeting Association, dated September 4th 1856 and recorded with the Worcester District Registry of Deeds at Book 586, Page 287, on September 25th 1857; 2) a deed from John Gates to the Worcester District Methodist Episcopal Church Camp Meeting Association, dated November 14, 1860 and recorded with said Deeds at Book 640, Page 558, on July 3rd 1861; 3) a deed from John Gates to the Sterling Camp Meeting Association, dated February 26th 1867 and recorded with said Deeds at Book 742, Page 189, on March 5th 1867; 4) a deed from John Gates to the Sterling Camp Meeting Association, dated April 4, 1873, and recorded with said Deeds at Book 900, Page 338, on June 9th 1873; and 5) a deed from the Trustees of Sterling Camp Meeting Association to Sterling Camp Meeting Association, dated August 4th, 1894, and recorded with said Deeds at Book 1449, Page 527.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted; provided, however, that the landowners shall be expressly allowed to use an area not to exceed five (5) acres within the above described premises, for purposes of placing a subsurface sewage disposal system to service the adjacent, unrestricted campground, but only to maintain the existing sewage flow and serve the number of camp structures on site as of the date of the recording of this taking, and to be so placed with the prior approval of the Division of Watershed Management, which approval shall not be reasonably withheld.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Sterling Camp Meeting Association	$ 217,000.00

Adjourned 9:40 a.m., to meet on Thursday, July 26, 2001, at 9:00 a.m.

Secretary

Record of the Three Thousand Nine Hundred and Ninety Second (3992nd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, July 26, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on July 12, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Carrigan and MacLean, July 10, recommending approval of the action of Deputy Commissioner Faucher resulting in Extra Work Order No. 1 – for excavation, grading, walkway installation necessary for the Brian Broderick Memorial, Milton – at a cost of \$27,645.20 and Extra Work Order No. 2 – for excavation, fine grading and installation of ¾" dense graded crushed stone for parking area at MDC Central Services, Pond Street, Stoneham – at a cost of \$5,800.00, on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 019-010 – Cement Concrete Sidewalks, Driveways, Medians and Traffic Islands (One Course) 6" Thick with Welded Wire Mesh).
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 1 and Extra Work Order No. 2, on Contract No. P00-2086-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of \$27,645.20.
The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount of \$5,800.00.

2. Report of Messrs. Faucher, Carrigan and MacLean June 28, requesting approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District, as follows –

Item No. 006-010 Catch Basins or Drop-Inlets, Excluding Cost of Castings	**\$ 3,000.00**
Item No. 006-040 Frames, Grates and Covers	**\$ 900.00**
Item No. 009-010 Curbing or Edging Removed and Disposed of	**\$23,135.00**
Item No. 011-010 New Granite Edgestone, Type VA 4-6" x 18" Straight	**\$78,982.75**
Item No. 015-010 Pavement Trimming	**\$16,032.00**

Item No. 016-010 Cement Concrete in Front of Edgestone	**$10,000.00**
Item No. 018-010 Cement Concrete Sidewalks, Driveways, Medians and Traffic Island, Once Course 4 Inches Thick	**$11,580.00**
Item No. 039-010 Fine Grading and Compacting Sub-Grade Areas for Construction of Parking Areas and New Sidewalks	**$15,856.75**
Total	**- $159,486.50**

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 019-010 – Cement Concrete Sidewalks, Driveways, Medians and Traffic Islands, (One Course) 6 Inches Thick, with Welded Wire Mesh).

The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in revisions in quantities on Contract No. P00-2086-C1A.

The Commission further V O T E D: to approve the revisions in quantities in the amount of $159,486.50.

1. Report of Messrs. Faucher, Carrigan and MacLean, July 10, recommending approval of Extra Work Order No. 3 – for Repair of Concrete Pedestrian Overpasses at Charles Circle and Blossom Street, Boston – at a cost of $13, 117.05, on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.

(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 019-010, Cement Concrete Sidewalks, Driveways, Medians and Traffic Islands (One Course) 6" Thick with Welded Wire Mesh).

The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $13,117.05.

2. Report of Messrs. Faucher and Soroka, July 20, recommending approval of extensions of time on Contract No. P99-1988-C1A, with MRP Site Development, Inc., for Santilli Circle Safety Improvements, Everett, as follows –

Milestone 9 – Complete Landscape Improvements – from June 29, 2001 to November 15, 2001.
Milestone 10 – Final Acceptance – from July 30, 2001 to November 15, 2001.

(At no increase in Contact cost)

The Commission V O T E D: to approve an extension of time on Milestone 9 from June 29, 2001 to November 15, 2001 and on Milestone 10 from July 30, 2001 to November 15, 2001, as recommended by Messrs. Faucher and Soroka in their report of July 20, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher, Lenhardt, Griffin and Miss Peterson, July 19, recommending approval of an extension of time from July 31, 2001 to September 30, 2001, on Contract No. P93-1672-C4A, with N.E.L. Corporation, for Remedial Repairs to First Street Bridge, Cambridge.

(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from July 31, 2001 to September 30, 2001, as recommended by Messrs. Faucher, Lenhardt, Griffin and Miss Peterson in their report of July 19, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher, Carrigan and Machado, June 14, recommending approval of Extra Work Claims, as follows, on Contract No. P99-2019-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System –

Extra Work Claim No. 1 Mobilization and Demobilization of Labor and Equipment	**$ 607.26**
Extra Work Claim No. 2 Buried Electric Line Repair	**$1,067.29**
Extra Work Claim No. 3 Mobilization of Equipment to Relocate Curbing, Reset Large Concrete Block and Place Concrete Boulders	**$1,412.21**
Extra Work Claim No. 4 Removing and Reinstalling 2" x 8" Wood Boards to Steel Guard Rail Posts.	**$ 746.96**

(At no increase in Contract cost as the extra work claims will be offset by unused quantities in Item No. 088-010 – Traffic Control Services).
The Commission V O T E D: to approve Extra Work Claim No. 1, in the amount of $607.26.
The Commission further V O T E D: to approve Extra Work Claim No. 2, in the amount of $1,067.29.
The Commission further V O T E D: to approve Extra Work Claim No. 3, in the amount of $1,412.21.
The Commission further V O T E D: to approve Extra Work Claim No. 4, in the amount of $746.96.

2. Report of Messrs. Faucher and Lenhardt, July 24, recommending approval of Amendment No. 7 to Contract-Agreement No. P93-1672-D1A, with Simpson, Gumpertz & Heger, Inc., for Professional Engineering Services for Bridges, Parkways and Other Commission Facilities, which increases the design upset limit by $50,000.00 (from $250,000.00 to $300,000.00) and extends the Contract completion date from October 31, 2001 to July 15, 2002.
Funding from Account No. 2490-0012.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Mr. McGinn, July 17, submitting for approval and execution Quabbin Park Cemetery Deed No. Q-1740, conveying Lot No. 1650 to Raymond R. and Brenda J. Wrona.
The Commission V O T E D: Approved.

The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1740, dated July 26, 2001, which was signed by the Commissioner and four Associate Commissioners.

1. Report of Messrs. McGinn and Church, July 13, requesting approval of the only proposal received, that of BioDiversity Research Institute, on Contract No. WM02-078-S1A, for Capture and Marking of Common Loons on MDC Watersheds and Determination of the Overall Health and Analyzation of Contaminants, at a cost not-to-exceed - $4,500.00.
Messrs. McGinn and Church further request execution of the Contract.
Funding from Account No. 2420-1400.
Time for Performance – July 26, 2001 to September 30, 2001.
The Commission V O T E D: to approve the proposal of BioDiversity Research Institute, on Contract No. WM02-078-S1A, for Capture and Marking of Common Loons on MDC Watersheds and Determination of the Overall Health and Analyzation of Contaminants, at a cost not-to-exceed - $4,500.00.
The Secretary then submitted for signature Contract No. WM02-078-S1A, dated July 26, 2001, with BioDiversity Research Institute, which was signed by the Commissioner and four Associate Commissioners.

2. Report of Mr. McGinn, June 21, requesting renewal and authorization for Commissioner Balfour to execute on behalf of the Commission, Contract-Agreement No. WM02-057-X1A, with Ronald E. Sharpin, P.E., Ph.D., as the Wastewater Program Manager.
Cost – not-to-exceed $56,506.00, which includes $5,000.00 for expenses and contract related travel.
Time for Performance – July 1, 2001 trough June 30, 2002.
Account No. 2420-1400-HH.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner Balfour to execute on behalf of the Commission, Contract-Agreement No. WM02-057-X1A, with Ronald E. Sharpin, P.E., Ph.D., as the Wastewater Program Manager.

Adjourned 9:30 a.m., to meet on Thursday, August 2, 2001, at 9:00 a.m.

Secretary

Record of the Three Thousand Nine Hundred and Ninety Third (3993rd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 2, 2001.

Present, Commissioner Balfour and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on July 19, 2001, were read and approved.

Action was taken upon the following matter relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Balicki, July 11, recommending the following on Contract No. P00-2069-C1A, with All Star, for Rehabilitation of Spring Cartridge and Installation of New Cylinders at Charles River Dam –
(a) That work be accepted as completed as of April 15, 2001.
(b) That Estimate No. 6 (Final), in the amount of $332.50, be approved for payment.
(c) That reserve, in the amount of $6,682.60, be approved for payment.
(Basis of Award - $126,448.00)
(Amount to Date - $133,652,00)
(Contract Performance Rating – 2.67)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of All Star, Contractor under Contract No. P00-2069-C1A, be and hereby is accepted as completed as of April 15, 2001.
The Commission further V O T E D: to approve Estimate No. 6 (Final), in the amount of $332.50, for payment.
The Commission further V O T E D: to approve release of reserve, in the $6,682.60, for payment

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Mr. McGinn, July 26, recommending the following on Contract No. WM97-033-X1A, with Viewpoint Engineering, Inc., for Septic System Database Project -
(a) That work be accepted as completed as of December 30, 2000.
(b) That Invoice No. 11 (Final) and Reserve, in the total amount of $11,701.45, be approved for payment.
(Basis of Award - $92,634.70)
(Amount to Date - $92,485.63)
(Contract Performance Rating – 8.3 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of Viewpoint Engineering, Inc., Contractor under Contract No. WM97-033-X1A, be and hereby is accepted as complete as of December 20, 2000.
The Commission further V O T E D: to approve Invoice No. 11 (Final) and Reserve, in the total amount of $11,701.45, for payment

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien and Mr. Driscoll, July 18, recommending the following on Contract No. PL00-066-D1A, with Aquatic Control Technology, for Charles River Lakes District Mechanical Weed Harvesting Project – 2000 –
(a) That work be accepted as completed as of December 31, 2000.
(b) That Estimate No. 4 (Final), in the amount of $3,020.00, be approved for payment.
(c) That reserve, in the amount of $5,357.35, be approved for payment.
(Basis of Award - $100,000.00)
(Amount to Date - $56,593.50)
(Contract Performance Rating - 9 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of Aquatic Control Technology, Contractor under Contract No. PL00-066-D1A, be and hereby is accepted as complete as of December 31, 2000.
The Commission further V O T E D: to approve Estimate No. 4 (Final), in the amount of $3,020.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,357.35, for payment.

Action was taken upon the following matters relating to the Office of General Counsel:

2. Report of Miss McLaughlin, July 23, regarding the transfer of custody of a 6.29 acre parcel of land located at the intersection of Route 12 and West Boylston Street in Worcester, located within the Wachusett watershed in close proximity to Gates Brook, from the Mass Highway Department (MHD) to the MDC.
Miss McLaughlin recommends the following to the Commission – **VOTE**: to approve, adopt, and execute a Care and Control Agreement for the transfer of property which was surplused by the MHD to the MDC in furtherance of watershed protection interests; and to **further VOTE**: to authorize Commissioner Balfour to sign, on behalf of the Commission, the final draft of said Care and Control Agreement; and to **further VOTE**: to authorize Commissioner Balfour to sign, on behalf of the Commission, all other documents relating to and required by this matter.
The Commission V O T E D: to approve, adopt, and execute a Care and Control Agreement for the transfer of property which was surplused by the MHD to the MDC in furtherance of watershed protection interests.
The Commission further V O T E D: to approve, adopt, and execute a Care and Control Agreement for the transfer of property which was surplused by the MHD to the MDC in furtherance of watershed protection interests.
The Commission further V O T E D: to approve, adopt, and execute a Care and Control Agreement for the transfer of property which was surplused by the MHD to the MDC in furtherance of watershed protection interests.

3. Report of Mr. Collette, July 3, requesting the acceptance of the conveyance of a Conservation Easement over approximately 2.182 acres of land from WJG Realty Trust in the Town of Watertown in accordance with Chapter 92, Section 79 of the Massachusetts General Laws.
The Commission V O T E D: to accept the conveyance of a Conservation Easement over approximately 2.182 acres of land from WJG Realty Trust in the Town of Watertown in accordance with Chapter 92, Section 79 of the Massachusetts General Laws.

The Secretary then submitted for signature the Conservation Easement document, dated August 2, 2001, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, July 31, on behalf of the Consultant Selection Committee requesting selection of The Bioengineering Group, Inc., for Contract No. PL01-068-D1A – Alewife Reservation Master Plan – and authorization be granted to finalize negotiations on the scope of services and further authorization be granted to prepare the Contract for execution.
Compensation – not-to-exceed $175,000.00 – to be paid on a cost plus fixed fee basis.
Time for Performance – between twelve and twenty four months.
Account Nos. 2448-0069 and 2440-0010.
The Commission V O T E D: to approve the selection of The Bioengineering Group, Inc., for Contract No. PL01-068-D1A – Alewife Reservation Master Plan, as requested by Mr. Jewett in his report of July 31, 2001.
The Commission further V O T E D: authorization to finalize negotiations on the scope of services.
The Commission further V O T E D: authorization to prepare the Contract for execution.

2. Report of Mr. Jewett, July 30, on behalf of the Consultant Selection Committee requesting selection of Vollmer Associates, LLP, for Contract No. P93-1698-D1A for Rehabilitation of Nahant Beach Reservation and authorization be granted for the Contract to be negotiated and prepared for execution.
Compensation-not to exceed $700,000.00 to be paid on a cost plus fixed fee basis- subject to negotiations.
Time for performance – eighteen months.
Account No. 2440-7991.
The Commission V O T E D: Approved.

Adjourned 9:35 a.m., to meet on Thursday, August 9, 2001, at 9:00 a.m.

Secretary

Record of the Three Thousand Nine Hundred and Ninety Fourth (3994th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 9, 2001.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Carr, as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Carr and Associate Commissioners Elkort and Sheppard.

The Records of the Commission Meeting held on July 26, 2001, were read and approved.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Zimmerman, July 30, recommending the following on Contract No. WM01-078-X1A, with Applied Geographics, Inc., for GIS Parcel Coverage Update, Phase 1 –
(a) That work be accepted as completed as of June 30, 2001.
(b) That Invoice No. 2 (Final), in the amount of $7,000.00, be approved for payment.
(Basis of Award - $10,000.00)
(Amount to Date - $10,000.00)
(Contract Performance Rating - 9 with 10 being excellent)
(EEO Performance – N/A)
The Commission V O T E D: that the work of Applied Geographics, Inc., Contractor under Contract No. WM01-078-X1A, be and hereby is accepted as completed as of June 30, 2001.
The Commission further V O T E D: to approve Invoice No. 2 (Final), in the amount of $7,000.00, for payment.

2. Report of Messrs. McGinn and Church, August 1, recommending the following on Contract No. WM98-050-S1A, with University of Massachusetts, Department of Forestry and Wildlife Management, for Up-to-Date Digital Mapping of Forest Types on MDC – DWM Watershed Properties.
(a) That work be accepted as completed as of June 30, 2001.
(b) That Final Invoice, in the amount of $15,297.37, be approved for payment.
(Basis of Award - $35,000.00)
(Amount to Date - $34,901.02)
(Contract Performance Rating – 8 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of University of Massachusetts, Department of Forestry and Wildlife Management, Contractor under Contract No. WM98-050-S1A, be and hereby is accepted as completed as of June 30, 2001.
The Commission further V O T E D: to approve Final Invoice, in the amount of $15,297.37, for payment

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien and Mr. Corsi, July 23, requesting approval and execution of Amendment No. 3 to Contract-Agreement No. PL95-031-D1D, with Moriece & Gary, Inc., for Design of Abigail Adams Park, which increases the design upset limit by $19,887.00 (from $65,000.00 to $84,887.00) and extends the Contract completion date from September 30, 2001 to September 30, 2002).
Funding from Account No. 2440-7958.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 3, dated August 9, 2001, to Contract-Agreement No. PL95-031-D1D, with Moriece & Gary, Inc., which was signed by the Acting Commissioner and two Associate Commissioners.

Action was taken upon the following matter relating to the Office of General Counsel:

2. Report of Mr. Gray, August 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 311.4 acres of land owned by Lawrence H. Cournoyer, located in the Towns of Paxton and Rutland, Massachusetts, and to approve an award of damages in the amount of
$ 2,800,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 311.4 acres of land owned by Lawrence H. Cournoyer, located in the Towns of Paxton and Rutland, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, August 9, 2001

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated partially in the Town of Paxton and partially in the Town of Rutland, in the County of Worcester and Commonwealth of Massachusetts, namely:

Three certain parcels of land lying on and off of the easterly side of Route 56-Richards Avenue, Paxton and Maple Street, Rutland, and on or off of the southerly side of the road in Rutland

known as Emerald Road, also known as Irish Lane, more particularly bounded and described as follows:

Parcel 1

A certain parcel of (registered) land, lying mostly in the northerly part of Paxton, but partially in the southerly part of Rutland, on and off of the easterly side of the Worcester County Highway known as Route56-Richards Avenue, a.k.a. Rutland Highway, Maple Avenue in Rutland, and on the southerly side of the town road in Rutland known as Irish Lane or Emerald Road, being most of Lot E as shown upon Land Court Plan 7654E, dated Oct. 11, 1935, prepared by H. L. Robinson, Engineer, which plan is filed with Certificate of Title No. 894 at the Worcester Registry District of Worcester County, more particularly bounded and described as follows:

Beginning at a point in a stone bound, in a stone wall, on the easterly side of Route56-Richards Avenue, at the southwesterly corner of the premises being described herein, said point being at the northwesterly corner of land, formerly of J. Westlund et al, now or formerly, supposed to be of Eleanor H. Becker;

Thence S. 87° 30' E., 1564 feet, to a point;

Thence N. 88° 30' E., 405.00 feet, to a point in another stone bound, at land, formerly of A.A. Brigham, now or formerly, of the Sisters of Saint Ann (see the deed dated 18th April 1980 and recorded with Worcester District Registry of Deeds at Book 6967, Page 131);

Thence N. 27° W., 413.00 feet, to a point at an angle in the line;

Thence N. 07° E., 612.00 feet, to a point;

Thence N. 04° E., 393 feet, to a point at the southwesterly corner of the W.E. Clark Lot, other (recorded) land of Lawrence H. Cournoyer, described below as Parcel 3;

Thence N. 00° 30' W., 188 feet, by the W.E. Clark Lot, to a point;

Thence N. 07° 30' E., 463 feet, by the W.E. Clark Lot, to a point in a stone bound, at the northeasterly corner of the W.E. Clark Lot, and the southwesterly corner of land, formerly of Ernest C. Howard et al, now of the City of Worcester, Water Works Department, Pine Hill Reservoir;

Thence N. 27° 15' W., 1312.00 feet, by a stone wall, crossing a gap therein and running to a point in the middle of a Old Town Road;

Thence N. 04° E., 315 feet, by the continuation of the stone wall, to a point in a wall corner;

Thence S. 85° 45’ E., 588 feet, by the stone wall, to a point at an angle therein;

Thence N. 74° 45’ E., 280 feet, by the wall, to a point at another angle therein;

Thence N. 50° E., 392 feet, by the wall, to a point at its end, at land shown upon Land Court Plan 7654D, filed with Certificate No. 1310;

Thence N. 03° 27’ W., 465.51 feet, by a Lot D, to a point at an angle in the line;

Thence N. 07° 03’ W., 1047.00 feet, by Lot D, to a point at another angle in the line, said point being in the Paxton-Rutland Town Line;

Thence N. 36° 16’ W., 1084.90 feet, by Lot D, to another point at another angle in the line;

Thence N. 10° 47’ W., 1098.40 feet, by Lot D, to a point in the southeasterly line of Irish Lane or Emerald Road, the last nine courses, being by lands of the City of Worcester, Water Works Department, Pine Hill Reservoir;

Thence Southwesterly, about 1156 feet, more or less, by the southeasterly line of Irish Lane, to a point at which a Chestnut Tree once stood, at the northeasterly corner of land, formerly of M.J. Cullen, now or formerly, of Madeline F. Parquette and the late Archer W. Parquette (see the deed dated May 22, 1957 recorded with said Deeds at Book 3863, Page 205);

Thence S. 09° 30’ W., 344 feet, to a point;

Thence S. 22° 45’ W., 362 feet, to a point;

Thence S. 27° 45’ W., 285 feet, to a point;

Thence S. 14° 30’ W., 152 feet, to a point;

Thence S. 12° W., 281 feet, to a point;

Thence S. 02° 45’ W., 70 feet, to a point in the center line of Johnson Brook a.k.a. Turkey Brook, said point being at the northwesterly corner of other (recorded) land of Lawrence H. Cournoyer, described below as Parcel 2, the last five courses being by land, now or formerly, of M.F. Parquette & the late A.W. Parquette;

Thence Southeasterly, about 1182 feet, along the center line of Johnson Brook, by the westerly line of Parcel 2 as described below, to a point at which a Maple Tree once stood, being the southeasterly corner of Parcel 2, (the tie line for this course being S. 00° 30' E., 1182.00 feet);

Thence S. 81° 45' W., 382.60 feet, more or less, by the southerly line of Parcel 2, entering and running by a stone wall, to a stone bound therein, marking the northeasterly corner of the Lot 5, land, now or formerly, of R.E. Jones et ux, shown upon Land Court Plan # 7654K, dated November 22, 1958, prepared by Philip H. Grout, Surveyor, which plan is filed with Certificate of Title No. 5242 in Registration Book 27, all of the preceding courses are as shown upon Land Court Plan 7654E;

Thence S. 08° 30' 00" E., 307.00 feet, to a point in a stone bound set at an angle in the line;

Thence S. 17° 14' 00" E., 200.00 feet, to a point in another stone bound set at the southeasterly corner of Lot 5, and the northeasterly corner of Lot 4, land, now or formerly, of Raymond W. Gaulin, as shown upon Land Court Plan # 7654J filed with Certificate of Title No. 5305 in Registration Book 27;

Thence S. 19° 26' 20" E., 197.00 feet, by the easterly line of Lot 4, to a drill hole in rock, marking the northeasterly corner of other land, now or formerly, of Raymond W. Gaulin, shown as Lot 1 upon Land Court Plan 5467G, dated November 10, 1953, prepared by P.R. Grout, Surveyor, which plan is filed with Certificate of Title No. 4666 in Registration Book 24;

Thence S. 19° 31' 30" E., 104.14 feet, by the easterly line of Lot 1, to a drill hole in rock, marking the northeasterly corner of land, now or formerly, of Linwood M. Erskine, Jr., shown as Lot 3 upon Land Court Plan 7654I, dated April 27, 1955, prepared by P.R. Grout, Surveyor, which plan is filed with Certificate of Title No. 4940 in Registration Book 25;

Thence S. 23° 37' E., 132.10 feet, by the easterly line of Lot 3, to a concrete bound set at a point therein;

Thence S. 23° 37' E., 756 feet, by the easterly line of Lot 3, crossing Johnson Brook and running to a drill hole in a stone wall, at the northeasterly corner of land, formerly of F. Griffin, now or formerly, of Lorna L. Carter (see the deed recorded with said Deeds at Book 4979, Page 7);

Thence Southeasterly, about 200 feet, more or less, partially by land, now or formerly, of L.L. Carter and partially by land, now or formerly, supposed to be, of James H. & Holly M. Robert, crossing the "Old Town Road", and running to a point in the shore line of a small pond;

Thence Southwesterly and southeasterly, about 430 feet, more or less, by estimate, along the shore line of the pond, to a point therein;

Thence S. 66° 30' E., 138.00 feet, entering and running by a stone wall to a point in a wall corner, said corner being the northeasterly corner of land, now or formerly, supposed to be of Hartwell Griffin, the last two courses being by land, now or formerly, supposed to be of J.H. & H.M. Robert;

Thence S. 10° 30' E., 317 feet, running by and through the stone wall, to a point on the southerly side of a Lane;

Thence S. 34° 30' W., 30 feet, by the southerly line of the Lane, to a point in another wall;

Thence S. 03° E., 726 feet, by the stone wall, to a point at the northwesterly corner of, land, now or formerly, supposed to be of Robert S. Jr. & Dian M. Lamotte, being the northerly portion of Lot B as shown upon Land Court Plan 7654B, filed with Certificate of Title No. 902;

Thence S. 02° 45' W., 300 feet, by the easterly line of Lot B to a point at the end of the wall, at the southeasterly corner of Lot B, this course being partially by land, now or formerly, supposed to be of R.S., Jr. & D.M. Lamotte, and partially by land, now or formerly, supposed to be of John J. Pagano;

Thence N. 89° W., 291 feet, by the southeasterly line of Lot B to a point in the stone wall running along the easterly line of Route 56-Richards Avenue;

Thence Southeasterly, about 350 feet, more or less, by the stone wall and the easterly line of the Avenue to the first mentioned stone bound, at land, now or formerly, supposed to be of E.H. Becker, being the point and place of beginning.

Containing about 310.90 acres, more or less, by estimate, in total, of which the following parcel of 48 acres, more or less, is excluded and excepted.

Specifically excluding and excepting, however, from the provisions of this conservation easement taking, and reserving to Lawrence H. Cournoyer, his heirs and assigns, free from all restrictions provided for herein, the following lot with house, barn and outbuildings:

A certain parcel of land on the easterly side of Route 56-Richards Avenue, and on the southeasterly side of an "Old Town Road", being the southwesterly portion of the above described Parcel 1, more specifically bounded and described as follows:

Beginning at a point in a stone wall on the easterly line of Route 56-Richards Avenue, said point being located 175 feet northerly, as measured along the stone wall, from the stone bound at the northwesterly corner of land, now or formerly, supposed to be of E.H. Becker, said bound being the beginning and ending point in the description of Parcel 1 above;

Thence S. 87° 30' E., about 662.5 feet, more or less, to a point at a corner;

Thence Northerly, about 645 feet, more or less, to a point at another corner;

Thence Easterly, about 440 feet, more or less, to a point at another corner;

Thence Northerly, about 650 feet, more or less, to a point at another corner;

Thence Easterly, about 220 feet, more or less, to a point at another corner;

Thence Northerly, about 250 feet, more or less, to a point at another corner;

Thence Westerly, about 156 feet, more or less, to a point at another corner;

Thence Northerly, about 480 feet, more or less, to a point at another corner;

Thence Northwesterly, about 192 feet, more or less, to a point at an angular corner;

Thence Southwesterly, about 120 feet, more or less, to a point at an angle in the line;

Thence Southwesterly, about 240 feet, more or less, to a point at another corner;

Thence Northwesterly, about 150 feet, more or less, to a point at another corner;

Thence Northerly, about 315 feet, more or less, to a point at another corner;

Thence Westerly, about 330 feet, more or less, to a point in the northwesterly line of the "Old Town Road" cited above;

Thence Southwesterly, 450 feet, more or less, by the line of the "Old Town Road" to a point in the easterly line of land, now or formerly, of Lorna L. Carter (see the deed recorded with said Deeds at Book 4979, Page 7);

Thence Southeasterly, about 42 feet, more or less, re-crossing the "Old Town Road" and running partially by the easterly line of the last named abutter and partially

by land, now or formerly, supposed to be of James H. & Holly M. Robert, to a point in the shore line of a small pond;

Thence Southwesterly and southeasterly, about 430 feet, more or less, by estimate, along the shore line of the pond, to a point therein;

Thence S. 66° 30' E., 138.00 feet, entering and running by a stone wall to a point in a wall corner, said corner being the northeasterly corner of land, now or formerly, supposed to be of Hartwell Griffin, the last two courses being by land, now or formerly, supposed to be of J.H. & H.M. Robert;

Thence S. 10° 30' E., 317 feet, running by and through the stone wall, to a point on the southerly side of a Lane;

Thence S. 34° 30' W., 30 feet, by the southerly line of the Lane, to a point in a wall;

Thence S. 03° E., 726 feet, by the stone wall, to a point at the northwesterly corner of land, now or formerly, supposed to be of Robert S. Jr. & Dian M. Lamotte, being the northerly portion of Lot B as shown upon Land Court Plan 7654B, filed with Certificate of Title No. 902;

Thence S. 02° 45' W., 300 feet, by the easterly line of Lot B to a point at the end of the wall, at the southeasterly corner of Lot B, this course being partially by land, now or formerly, supposed to be of R.S., Jr. & D.M. Lamotte, and partially by land, now or formerly, supposed to be of John J. Pagano;

Thence N. 89° W., 291 feet, by the southeasterly line of Lot B to a point in the stone wall running along the easterly line of Route 56-Richards Avenue;

Thence Southeasterly, about 175 feet, more or less, by the stone wall and the easterly line of the Avenue to the first mentioned point located 175 feet northerly of the stone bound, at land, now or formerly, supposed to be of E.H. Becker, being the point and place of beginning.

Containing about 48 acres, more or less, and being almost all of the premises described above in the description of Parcel 1, which are not currently taxable under the provisions of Chapter 61 of Massachusetts General Laws.

Parcel 2

A certain parcel of (recorded) land, lying partially in Rutland and partially in Paxton, situated on the easterly side of Route 56-Richards Avenue & Maple Street, and bounded generally by said highway on the west, by land, now or formerly, of Archer W. & Madeline F. Parquette, on the north, by Turkey Brook a.k.a. Johnson Brook, on the east, and by other (registered) land of

Lawrence H. Cournoyer (described above), and (registered) land, now or formerly, of Robert E. Jones, et ux, on the south, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel being described herein, at a stone monument set at a point in the easterly line of the County road, known as Richards Avenue or Rutland Highway, said bound marking the northwesterly corner of Lot 5, registered land, now or formerly, of Robert E. Jones et ux, shown upon Land Court Plan 7654K, dated November 22, 1958 and filed with L.C. Certificate # 5242 in Registration Book 27;

Thence Northeasterly, along the easterly layout line of the County Highway, 1840 feet, more or less, crossing the Paxton-Rutland Town Line and running to a point at the southwesterly corner of land, now or formerly, of Archer W. & Madeline F. Parquette (see the deed recorded with Worcester District Registry of Deeds at Book 3863, Page 205), said point being located 25 feet northerly from a Worcester County Highway bound;

Thence S. 64° E., about 930 feet, more or less, by the southerly line of land, now or formerly, of A.W. & M. F. Parquette, to a point in the center line of Johnson Brook a.k.a. Turkey Brook;

Thence Southerly, 1182 feet, more or less, by the center line of the brook, to a point, at or near a Maple Tree, all as shown upon Land Court Plan 7654E, dated October 11, 1935, and filed with Certificate # 2192 in Registration Book 11, said maple tree, marking the southeasterly corner of the parcel herein being described;

Thence S. 81° 45’ W., 382.60 feet, more or less, entering and running by a stone wall, and by other (registered) land, of Lawrence H. Cournoyer, to a stone bound in the wall, marking the northeasterly corner of the aforesaid Lot 5, land, now or formerly, of R.E. Jones et ux;

Thence S. 69° 30’ W., 808.40 feet, by the stone wall and the northerly line of Lot 5, to the first mentioned bound in the easterly line of Route 56-Richards Avenue, a.k.a. Rutland Highway, being the point and place of beginning.

Containing about 40 acres, more or less, according to Paxton & Rutland Assessors Tax Maps.

Parcel 3

A certain tract of (recorded) land situated in the north part of Paxton, supposed to contain about 8.5 acres, more or less, by deed description, being known as the “ William E. Clark Lot”, accessed via a lane off of the easterly side of Route 56-Richards Avenue a.k.a. Rutland Highway, bounded generally, on the west by other (registered) land of Lawrence H. Cournoyer, described above as Parcel 1, on the north by land, formerly of Ernest C. Howard et al, now of

the City of Worcester Water Works Department (Pine Hill Reservoir), on the east by the Campus of Anna Maria College, and, on the south by land, formerly of A.A. Brigham, now of the Sisters of Saint Ann, more particularly bounded and described as follows;

Beginning at a stone bound at the northwesterly corner of the premises being described herein, at the southeasterly end of a stone wall, dividing land, formerly of E.C. Howard et al, now of the City of Worcester, from other (registered) land of Lawrence H. Cournoyer, as shown upon the above cited Land Court Plan # 7654E;

Thence	N. 82° E., 38 rods, or about 627 feet, more or less, by the land of the City of Worcester Water Works Department (Pine Hill Reservoir) to a point at the northwesterly corner of the former William H. Harrington Farm, now the Campus of Anna Maria College, at which point a 2 inch iron pipe is set, as shown upon the 3rd sheet of a survey plan entitled "Plan of Property In Paxton, Mass Owned By The Sisters Of Saint Ann", dated May 7, 1979, prepared by Thompson-Liston Associates, Inc., Kenneth R. Engvall, P.L.S., which plan is recorded with said Deeds as Plan 16 in Plan Book 464;
Thence	S.09° 41' 12" W., 626.37 feet, by the Campus of Anna Maria College, to a point in a concrete bound set at the southeasterly corner of the premises being described herein, and the northeasterly corner of land, now or formerly, of the Sisters of Saint Ann (see the deed dated 18th April 1980 and recorded with said Deeds at Book 6967, Page 131);
Thence	N. 88° 41' 12" W., 633.06 feet, by land, now or formerly, of the Sisters of Saint Ann, to a point in another concrete bound set at the southwesterly corner of the premises being described herein, said point being in the easterly line of other (registered) land of Lawrence H. Cournoyer, described above as Parcel 1;
Thence	N. 00° 30' W., 188 feet, by the easterly line of Lot E as shown upon Land Court Plan # 7654E, to a point;
Thence	N. 07° 30' E., 463 feet, by the easterly line of Lot E, as shown on Land Court Plan # 7654E, to the first mentioned point in the stone bound at the northwesterly corner of the parcel herein being described, being the point and place of beginning.

Containing about 8.5 acres, more or less, by deed description.

The above described premises are represented upon Paxton Assessors Tax Maps as Lot 8, and most of Lot 9 on Map 16, and as Lot 4 on Map 9, and upon Rutland Tax Map 38, Block A, as Lots 2, 3, 4 and 5.

The aforementioned parcels are supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Lawrence H. Cournoyer	±311.40 acres, more or less

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and Parcel 1 being most of the same premises described in a deed from Antonette A. Cournoyer to Lawrence H. Cournoyer, dated October 3, 1973, being Land Court Document 29435. See L.C. Transfer Certificate of Title No. 8358 in Registration Book 42, and the cited L.C. Plan # 7654E, dated Oct. 11, 1935 and filed with Certificate of Title No. 894, and see also the subdivided lots sold: Lot 1 on plan # 7654G filed with Certificate No. 4666; Lot 2 on Plan # 7654H filed with Certificate No. 4831; Lot 3 on Plan # 7654I filed with Certificate No. 4940; Lot 4 on Plan # 7654J filed with Certificate No. 5305; and, Lot 5 on Plan 7654K filed with Certificate No. 5242. And Parcels 2 & 3 as described above being the same premises described in a deed from Antonette A. Cournoyer to Lawrence H. Cournoyer, dated 3rd October 1973 and recorded with the Worcester District Registry of Deeds at Book 5390, Page 506.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcels of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The parcels of land hereby restricted, shall remain open to passive recreation by the general public, for uses which include but are not limited to, hunting, fishing and hiking.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Lawrence H. Cournoyer	$ 2,800,000

The Commission further V O T E D: to approve an award of damages in the amount of $ 2,800,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
On motion of Associate Commissioner Elkort and seconded by Associate Commissioner Sheppard, the Commission further V O T E D: to authorize Acting Commissioner Carr to execute the EOEA Article 97 Transmittal Form on behalf of the Commission.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Misslin and Brooks, August 6, recommending that the Commission ratifies the action of Deputy Commissioner Faucher, resulting in a revision

in Quantities on Item No. 023-010 – Maintenance Service - at an increase of $30,524.83, on Contract No. P99-1996-M1A, with Allied Weatherproofing Co, Inc., for Service and Repairs to all MDC Swimming Pools and Filtration Systems within the Metro Parks System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 026-010-Material and Parts).
Acting Commissioner Carr stated that the Division was not adhering to the Policy adopted by the Commission regarding the Dollar Limits that the Deputy Commissioner for Technical Services can approve prior to submittal to the Commission for ratification.
He stated that if there was not a policy in place, concerning dollar limits which could be approved by the Division, he would not be questioning the ratification of the action of the Deputy Commissioner of Technical Services which resulted in $30,524.83 in revisions in quantities.
The Commission VOTED: to ratify the action of Deputy Commissioner Faucher, which resulted in a revision in quantities on Item No. 023-010, on Contract No. P99-1996-M1A.
The Commission further VOTED: to approve the revision in quantities, in the amount of $30,524.83.

1. Report of Messrs. Faucher, Misslin, Brooks and Balicki, August 6, submitting for approval Work Schedule Project Summary Project Justification and requesting authorization to solicit bid proposals for Project No. P02-2134-C1A, for Repairs to Connell Pool, Weymouth from Contractors listed on the statewide Master Service Agreement No. ST8J601C.
Estimated Cost -$10,000.00.
Duration of Project – approximately one month.
Funding from Account No. 2440-0501.
The Commission VOTED: Approved.
The Commission further VOTED: authorization to solicit bid proposals for Project No. P02 2134 C1A, for Repairs to Connell Pool, Weymouth from Contractors listed on the statewide Master Service Agreement No. ST8J601C.

2. Report of Messrs. Faucher, Misslin, Brooks and Haider, August 3, on bid for Maintenance and Service to Underwater Structures at Various Flood Control/Navigation Sites, Contract No. P01-2127-M2A.
(Messrs. Faucher, Misslin, Brooks and Haider recommend acceptance of the only bid received, that of Inner Space Services, Inc., of $217,600.00).
The Commission VOTED: to accept the only bid received, that of Inner Space Services, Inc., of $217,600.00.

Adjourned 9:30 a.m., to meet on Thursday, August 16, 2001, at 9:00 a.m.

Secretary

Record of the Three Thousand Nine Hundred and Ninety Fifth (3995th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 16, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on August 2, 2001, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and four Associate Commissioners:

1. Contract No. P01-2127-M2A, dated August 16, 2001, with Inner Space Service, Inc., for Maintenance and Service to Underwater Structures at Various Flood/Control Navigational Sites.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Carrigan and MacLean, July 1, recommending approval of revisions in quantities on Contract No.P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System, as follows –

Item No. 015-010 – Treated Wood Ballard	- $ 8,000.00
Item No. 038-010 – Buried End Section	- $ 884.04
Item No. 041-010 – Remove, Dispose or Store Steel Guard Rail	- $ 2,974.50
Item No. 046-020 – Treated Two-Rail Wood Guard Rail on Existing Concrete Posts	- $ 1,098.75
Item No. 061-010 – Black Vinyl Clad Chain Link Fence (8')	-$ 330.00
Total	- $13,287.29

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 059-010 – Black Vinyl Clad Chain Link Fence – 6 feet high).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, July 31, recommending approval of an extension of time from August 24, 2001 to December 31, 2001, on Contract No. P00-2064-C1A, with SCS Environmental Services, Inc., for Asbestos Abatement from Various MDC Facilities.
(At no increase in Contract cost).
The Commission V O T E D: to approve of an extension of time from August 24, 2001 to December 31, 2001, as recommended by Messrs. Faucher, Misslin, Brooks and Abounaja in their report of July 31, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Pula, August 10, requesting that the Commission approve the following recommendations concerning Gerald Gaumond's (d/b/a New England Forest Products) non-compliance with the terms of his Permits for Timber on the Division of Watershed Management lands –

Timber Sale Permit 4273 –

Return $3,630.00 to Mr. Gaumond.

Timber Sale Permit 4293 –

Return $2,550.00 to Mr. Gaumond.

Timber Sale Permit 3011 –

Mr. Gaumond made a deposit of $4,000.00. He failed to make final payment by July 1, 2001 and his deposit was forfeited.

Messrs. McGinn and Pula request that due to the aforementioned and non-performance on four separate Permits over the past five years, in addition to verbal threats against MDC personnel and property, that Mr. Gaumond be prohibited from bidding on future timber sales and/or working on Commission lands. The only exception to this condition would allow Mr. Gaumond to remove stockpiled wood and clean up the landing on Timber Sale Permits 4273 and 786.

The Commission discussed the various penalties that could be imposed on Mr. Gaumond as a result of his non-compliance with all of the terms of his timber sale permits.

Mr. Pula then stated that after conferring with MDC's General Counsel's Office, it was determined that it would be in the Commission's best interest to change the recommendation on Timber Sale 3011 and refund Mr. Gaumond's deposit of $4,000.00.

Mr. Gerald Gaumond, d/b/a New England Forest Products, appeared before the Commission and spoke of the problems he encountered when he attempted to pay his final payment on Timber Sale Permit 3011 by check. He continued by stating that he had not made verbal threats against any Commission employee. His threat, he explained, was that he would come before the Commission in an attempt to continue to bid on MDC Timber Lots.

Mr. Pula and Mr. Gaumond both spoke and disagreed with each other on Commission foresters opinion of Mr. Gaumond's work performance. Members of the Commission then stated that further written documentation should have been presented to the Board regarding Mr. Gaumond's performance.

Mr. Gaumond then stated that if he were not permitted to bid on future timber sales, he would be put out of business because 99% of his timber business comes from the Quabbin Watershed area.

Associate Commissioner Carr questioned if the Division, under its rules and regulations, is required to recommend the low bidder on timber sale awards.

Mr. Jewett stated no. Other information can be also taken into consideration, he noted. Mr. Jewett then explained we can award the timber permit to the second bidder as long as we are not arbitrary or capricious.

Associate Commissioner Carr spoke of the various alternatives which could be utilized by the Commission to resolve the dispute.

After a lengthy discussion concerning the matter, and on motion by Associate Commissioner Carr, which was seconded, the Commission V O T E D: to permit Mr. Gerald Gaumond, d/b/a

New England Forest Products, to complete his work on Timber Sale Permit 4273 and Timber Sale Permit 4293.
The Commission further V O T E D: that the deposit on Timber Sale Permit 3001, in the sum of $4,000.00, be forfeited and the lot be readvertised for bids.
The Commission further V O T E D: that all other questions regarding Mr. Gaumond's conduct and business performance to be investigated by staff and the results provided to the Commission for review.

1. Report of Mr. McGinn, August 7, recommending the following on Contract No. WM96-078-X1A, with Beals and Thomas, Inc., for Rutland Master Plan and Zoning By-Laws Project –
(a) That work be accepted as completed as of June 30, 2001.
(b) That Final Invoice in the amount of $5,977.50, be approved for payment.
(c) That reserve, in the amount of $15,000.00, be approved for payment.
(Basis of Award - $150,000.00)
(Amount to Date - $150,000.00)
(Contract Performance Rating - 7 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of Beals and Thomas, Inc., Contractor under Contract No. WM96-078-X1A, be and hereby is accepted as completed as of June 30, 2001.
The Commission further V O T E D: to approve Final Invoice, in the amount of $5,977.50, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $15,000.00, for payment.

2. Report of Mr. McGinn, July 20, requesting approval of the following on Contract No. WM95-060-C1A, with R. Bates & Sons, Inc., for Construction of 1/A On-Site Septic Systems –
Extra Work Order No. 1 – in the amount of $6,129.50 – to provide one-year maintenance and testing for each of the six systems, as required by the Division of Environmental Protection.
Revision in Quantities No. 1 – a reduction of $58,000.00 – for the elimination of Bid Item No. 3, Wastewater Treatment Facility at 31 Nelson Street, Holden.
Total net cost of $51,870.50 – decreasing the upset limit of the Contract from $462,700.00 to $410,829.50.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $6,129.50.
The Commission further V O T E D: to approve Revision in Quantities No. 1, at a reduction of $58,000.00.

Action was taken upon the following Various Matter:

3. Report of Mrs. Overton Bussell, August 8, requesting approval and execution of a Contract between the MDC and the Commonwealth Zoological Corporation d/b/a Zoo New England (ZNE) FY2002, which provides partial operating subsidy in the amount of $2,000,000.00 to be paid to the Commonwealth Zoological Corporation in anticipation of the passage of the General Appropriation Bill for FY2002.

The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract, dated August 16, 2001, between the MDC and the Commonwealth Zoological Corporation d/b/a Zoo New England (ZNE) FY2002, which was signed by the Commissioner and four Associate Commissioners

Adjourned 10:30 a.m., to meet on Thursday, August 23, 2001, at 9:00 a.m.

William F.
Secretary

Record of the Three Thousand Nine Hundred and Ninety Sixth (3996th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 23, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on August 9, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Martinez, July 19, recommending the following on Contract No. P00-2084-C1A, with McConnell Enterprises, Inc., for Demolition of Constitution Beach Bathhouse, Orient Heights, East Boston –
(a) That work be accepted as completed as of June 29, 2001.
(b) That Estimate No. 3 (Final), in the amount of $2,375.33, be approved for payment.
(c) That reserve, in the amount of $5,547.50, be approved for payment.
(Basis of Award - $ 79,000.00)
(Amount to Date - $110,950.00)
(Contract Performance Rating – 77 with 100 being excellent)
(EEO Compliance – 4.50)
The Commission V O T E D: that the work of McConnell Enterprises, Inc., Contractor under Contract No. P00-2084-C1A, be and hereby is accepted as completed as of June 29, 2001.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $2,375.33, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,547.50, for payment.

2. Report of Messrs. Faucher and Griffin, August 10, recommending the following on Contract No. P00-2045-C1A, with N.E.L. Corporation, for Repair of Craigie Drawbridge –
(a) That work be accepted as completed as of June 21, 2001.
(b) That Estimate No. 3 (Final), in the amount of $24,241.19, be approved for payment.
(c) That reserve, in the amount of $12,522.78, be approved for payment.
(Basis of Award - $ 222,000.00)
(Amount to Date - $250,455.51)
(Contract Performance Rating – 4.30)
(EEO Compliance – 3.67)
The Commission V O T E D: that the work of N.E.L. Corporation, Contractor under Contract No. P00-2045-C1A, be and hereby is accepted as completed as of June 21, 2001.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $24,241.19, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $12,522.78, for payment.

1. Report of Messrs. Faucher and Soroka, August 14, recommending approval of revisions in quantities on Contract No. P00-2034-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Charles River Basin Districts, as follows -

Item No. 002-010	Materials, Components and Parts	$ 4,000.00
Item No. 004-030	Labor Rate for Helper	$ 7,400.00
	Total -	$11,400.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 002-020, 004-010, 004-020 and 008-020).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Misslin, Brooks and Haider, August 14, requesting approval and execution of an Amendment for an extension of time from August 30, 2001 to September 30, 2001, on Contract No. P00-2082-S1A, with Leggette, Brashears & Graham, Inc., for Comprehensive Water Supply Study for the Blue Hill Ski Area.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary submitted for signature Amendment, dated August 23, 2001, on Contract No. P00-2082-S1A, with Leggette, Brashears & Graham, Inc., which was signed by the Commissioner and three Associate Commissioners.
Associate Commissioner Elkort did not participate in discussion, vote on this matter or sign the Amendment.

3. Report of Mr. Faucher and Mrs. Graves Jones, August 14, recommending approval of revisions in quantities on Contract No.P00-2032-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts, as follows -

Item No. 002-010 - Materials, Components, Parts and Controls	$ 8,000.00
Item No. 003-020 – Traffic Signal Knockdown	$ 5,250.00
Item No. 004-030 – Labor Rate for Helper Miscellaneous	$ 3,700.00
Item No. 008-010 – Post Top Mounting – 1 Way	$ 420.00
Item No. 009-010 – Pedestrian Push Button and Sign	$ 1,400.00
Item No. 010-010 – Traffic Signal Metal Base Octagonal	$ 2,100.00
Item No. 015-021 – Traffic Signal Cable – 21 Conductor	$ 300.00
Item No. 017-010 – Detector Lead-In Cable	$ 300.00
Total -	$21,470.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 007-020 – Maintenance for Traffic Control Devices, Item No. 004-010 – Hourly Labor Rate for Licensed Electrician (Controller Technician), Item No. 004-020 – Hourly Rate for Licensed Electrician (Serviceman), Item No. 006-010 – Vehicle Signal Head – Single Section – 8 inch lens, Item No. 007-010 – Pedestrian Signal Head – Type B, Item No. 007-020 – Pedestrian Signal Head – Single Section, Item No. 011-010 – Cement Concrete Foundation – Remove & Discard, Item No. 011-020 – Cement Concrete Foundation – Octagonal Base, Item No. 015-009 – Traffic Signal Cable – 9 Conductor and Item No. 015-015 - Traffic Signal Cable – 15 Conductor).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, July 31, recommending approval of Extra Work Order No. 17 – to Furnish and Install Two – (2) 3000 Gallon (UL 2085 and UL 142) Highland Fireguard Double Wall Above Ground Steel Fuel Tanks at the MDC Central Service Facilities in Cambridge – at a cost of $82,500.00, on Contract No. P95-1789-C3A, with Zenone, Inc., for Contaminated Site Cleanup at Various MDC Facilities.
(At no additional Contract cost as the extra work will be offset by unused quantities in Item No. 002-006 --Furnish and Install 10,000 Gallon Underground Heating Oil Fuel Tank and Item No. 002-007 – Furnish and Install 20,000 Gallon Underground Heating Oil Tank).
The Commission further V O T E D: to approve Extra Work Order No. 17, in the amount of $82,500.00.

2. Report of Messrs. Faucher, Misslin and Abounaja, July 27, recommending approval of Amendment No. 4 – to Commission vote of October 5, 2000, which increases cost of project by $42,075.00 from $309,600.00 to $343.841.00, for remediation work at Central Services Garage, Dorchester, Upper Basin Garage, Brighton and Ward 22, Parcel 571-1 in Brighton, on Contract No. P00-2065-D1A, with GEI Consultants, Inc., for Licensed Site Professional (L.S.P.) Services for Various MDC Contaminated Sites.
Funding - $7,834.00 remains unspent in the Contract. The remaining $34,241.00 is available in Account No. 2440-4994, for a total of $42,075.00.
The Commission V O T E D: to amend its vote of October 5, 2000, which increases cost of project by $42,075.00 from $309,600.00 to $343.841.00, for remediation work at Central Services Garage, Dorchester, Upper Basin Garage, Brighton and Ward 22, Parcel 571-1 in Brighton, as recommended by Messrs. Faucher, Misslin and Abounaja in their report of July 27, 2001.

3. Report of Messrs. Faucher and Mrs. Graves Jones, August 15, recommending approval of a revision in quantities on Item No. 003-010 – 4 inch Reflectorized Line (Thermoplastic) – at a cost of $9,880.00, on Contract No. P00-2080-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 005-010 – Reflectorized Line (Thermoplastic).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher, Misslin, Brooks and Balicki, August 14, requesting approval of revisions in quantities on Contract No. P01-2112-C2A, with R. Zoppo Corp., for New Swimming Pool Filter System, Reilly Pool, Brighton, as follows –

Item No. 02221-03	– Coarse Sand	$ 150.00
Item No. 03300.01-01	– Sawcut Concrete	$ 55.00
Item No. 03300.01-02	– Remove & Dispose Conc.	$ 110.00
Item No. 03300.01-04	– New Deck	$1,100.00
Item No. 13152-03	- New 6" PVC	$ 126.00
Item No. 13152-04	- New 8" PVC	$ 2.00
	Total -	$1,543.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 02221-04 - Common Fill).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Misslin, Brooks and Martinez, August 17, requesting approval of Alteration No. 1 – a Credit to the Commission, in the sum of $1,500.00, for joint sealer already installed at the Olsen Pool by MDC maintenance contractor on Contract No. P01-2113-C1A, with J. D'Amico, Inc., for Miscellaneous Structural Repairs at Various MDC Pools.
The Commission V O T E D: to approve Alteration No. 1, a Credit to the Commission, in the amount of $1,500.00.

2. Report of Messrs. Faucher and Martinez, August 10, recommending the following on Contract No. P01-2113-C1A, with J. D'Amico, Inc., for Miscellaneous Structural Repair at Various MDC Pools –
(a) That the work be accepted as completed as of May 10, 2001.
(b) That Estimate No. 1 (Final), in the amount of $67,445.25, be approved for payment.
(c) That reserve, in the amount of $3,549.75, be approved for payment.
(Basis of Award - $72,495.00)
(Amount to Date - $70,995.00)
(Contract Performance Rating – 5.00)
(EEO Compliance – 4.67)
The Commission V O T E D: that the work of J. D'Amico, Inc., Contractor under Contract No. P01-2113-C1A, be and hereby is accepted as completed as of May 10, 2001.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $67,445.25, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $3,549.75, for payment.

3. Report of Messrs. Faucher and Carrigan, August 16, recommending approval of the following on Contract No. P01-2095-C1A, with SPS New England, Inc., for Replacement of Concrete Median Barrier, Nahant Beach Parkway, Nahant –
Extra Work Order No. 1 – ratification of the action of Deputy Commissioner Faucher – rebuilding of the top four feet of eight catch basins located adjacent to the median of the Nahant Beach Parkway, Nahant – at a cost of $7,800.00.
Funding from Account No. 2490-8881.
Extra Work Claim No. 1 – for additional Traffic Control Services (Police Services) – at a cost of $10,816.00.
Funding from Account No. 2490-8881.
The Commission V O T E D: to ratify the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 1 on Contract No. P01-2095-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of $7,800.00.
The Commission further V O T E D: to approve Extra Work Claim No. 1, in the amount of $10,816.00, for payment.

4. Report of Messrs. Faucher, Brooks, Misslin and Haider, August 20, recommending approval of a revision in quantities on Item No. 002-010 – Material and Parts – at a cost of $334.67, on Contract No. P99-2005-M2A, with P. J. Kennedy and Sons, Inc., for Service Maintenance of HVAC Systems at Various MDC Facilities.

(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 001-010 - Hourly Rate for Electrician).
The Commission V O T E D: Approved.
Associate Commissioner Rollins noting the lack of minority participation on other Contracts abstained from voting on this item.

1. Report of Messrs. Faucher and Orfant and Mrs. Overton Bussell, August 10, recommending the following on Contract No. P95-1784-C3A, with McCourt Construction Co., for Rehabilitation of South Boston Beaches, Phase II -
(a) That work be accepted as completed as of June 30, 2001.
(b) That Estimate No. 28 (Final), in the amount of $6,004.39, be approved for payment.
(c) That reserve, in the amount of $17,009.71, be approved for payment.
(Basis of Award - $4,146,962.00)
(Amount to Date - $5,016,745.79)
(Contract Performance Rating - 4.00)
(EEO Compliance - 3.83)
The Commission V O T E D: That the work of McCourt Construction Co., Contractor under Contract No. P95-1784-C3A, be and hereby is accepted as completed as of June 30, 2001.
The Commission further V O T E D: to approve Estimate No. 28 (Final), in the amount of $6,004.39, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $17,009.71, for payment.

2. Report of Messrs. Faucher and Griffin, August 17, recommending the following on Contract No. PL82-1022-C1A, with St. Paul Fire & Marine Insurance Company (Surety) for R.H.D. Construction Co., Inc., for Construction of Paul Revere Landing Park, Charlestown -
(a) That work be accepted as completed as of January 4, 2001.
(b) That Estimate No.27 (Final), in the amount of $4,954.50, be approved for payment to the Surety.
(c) That reserve in the amount of $141,770.04, be approved for payment.
(Basis of Award - $3,795,266.70)
(Amount to Date - $3,811,020.92)
(Contract Performance Rating for R.H.D. Construction Co., Inc. - 2.00)
(EEO Compliance - 3.33)
The Commission V O T E D: that the work of St. Paul Fire & Marine Insurance Company (Surety) for R.H.D. Construction Co., Inc., Contractor under Contract No. PL82-1022-C1A, be and hereby is accepted as completed as of January 4, 2001.
The Commission further V O T E D: to approve Estimate No. 27 (Final), in the amount of $4,954.50, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $141,770.04, for payment.

1. Report of Messrs. Faucher and Lenhardt, August 8, recommending the following on Contract No. P84-1276-C1A, with SPS New England, Inc., for Rehabilitation of Substructures, Cambridge Viaducts –
(a) That work be accepted as completed as of June 30, 2001.
(b) That Estimate No. 6 (Final), in the amount of $411,277.94, be approved for payment.
(c) That reserve, in the amount of $118,437.41, be approved for payment.
(Basis of Award - $2,062,384.00)
(Amount to Date - $2,368,784.14)
(Contract Performance Rating – 4.30)
(EEO Compliance – 3.83)
The Commission VOTED: that the work of SPS New England, Inc., Contractor under Contract No. P84-1276-C1A, be and hereby is accepted as completed as of June 30, 2001.
The Commission further VOTED: to approve Estimate No. 6 (Final), in the amount of $411,277.94, be approved for payment.
The Commission further VOTED: to approve release of reserve, in the amount of $118,437.41, for payment.

2. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, July 26, requesting approval of Alteration No. 3 – for the redesign of the concrete access ramp for beach maintenance equipment at Savin Hill Beach, at a cost of $3,523.42, on Contract No. P95-1804-C1A, with McCourt Construction Company, for Dorchester Shores Beaches Restoration Program. (The cost will be offset with savings incurred in Alteration No. 2).
The Commission VOTED: to approve Alteration No. 3, in the amount of $3,523.42.

3. Report of Messrs. Faucher, Brooks, Misslin and Sodano, August 7, requesting that the commission reject the bid of All Star Construction, in the sum of $143,270.00 and Zoppo Construction, in the sum of $123,600.00, on Contract No. P01-2117-C1A, for Rehabilitation of the West Side Pump Station in the Storrow Drive Tunnel at the Berkeley Street Exit, Boston, due to the extremely high bids for the project. The engineers estimate was $65,000.00. (Messrs. Faucher, Brooks, Misslin and Sodano further request authorization to readvertise the project as Contract No. P01-2117-C2A.
The Commission VOTED: to reject the bid of All Star Construction, in the sum of $143,270.00 and Zoppo Construction, in the sum of $123,600.00, on Contract No. P01-2117-C1A, as requested by Messrs. Faucher, Brooks, Misslin and Sodano in their report of August 7, 2001.
The Commission further VOTED: to readvertise the project as Contract No. P01-2117-C2A.

4. Report of Messrs. Faucher and Carrigan, August 17, recommending the following on Contract No. P00-2088-C1A, with N. E. L. Corporation, for Remedial Joint Repair and Resurfacing of Outbound Bridge Deck and Ramps on Bowker Overpass, Boston –
(a) That work be accepted as completed as of June 14, 2001.
(b) That Estimate No. 2 (Final), in the amount of $99,707.25, be approved for payment.
(c) That reserve, in the amount of $12,287.84, be approved for payment.
(Basis of Award - $260,773.00)

(Amount to Date - $245,756.73)
(Contract Performance Rating – 4.30)
(EEO Compliance – 3.50)
The Commission V O T E D: that the work of N.E.L. Corporation, Contractor under Contract No. P00-2088-C1A, be and hereby is accepted as completed as of June 14, 2001.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $99,707.25, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $12,287.84, for payment.

1. Report of Messrs. Faucher, Carrigan and MacLean, August 20, recommending approval of a revision in quantities on Item No. 027-010 – Traffic Control Services – at a cost of $35,000.00, on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 021-010 – Bituminous Concrete for Sidewalks, Driveways, Patching, Small Parking Lots and Sports Courts).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Brooks, August 7, recommending the following on Contract No. P99-1996-M1A, with Allied Weatherproofing Co., Inc., for Service and Repairs to All MDC Swimming Pools and Filtration Systems Within the Metro Parks System –
(a) That work be accepted as completed as of May 5, 2001.
(b) That Estimate No. 14 (Final), in the amount of $44,990.11, be approved for payment
(c) That reserve, in the amount of $26,935.03, be approved for payment.
(Basis of Award - $568,000.00)
(Amount to Date - $581,652.59)
(Contract Performance Rating – 88 with 100 being excellent)
(EEO Compliance – 3.80)
The Commission V O T E D: that the work of Allied Weatherproofing Co., Inc., Contractor under Contract No. P99-1996-M1A, be and hereby is accepted as completed as of May 5, 2001.
The Commission further V O T E D: to approve Estimate No. 14 (Final), in the amount of $44,990.11, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $26,935.03, for payment.

3. Report of Messrs. Faucher and Haider, August 20, recommending the following on Contact No. P99-2005-M1A, with P.J. Kennedy & Sons, Inc., for Servicing of HVAC Systems at Various MDC Facilities within the Metro Parks System –
(a) That work be accepted as completed as of June 30, 2001.
(b) That Estimate No. 19 (Final), in the amount of $672.38, be approved for payment.
(c) That reserve, in the amount of $5,232.90, be approved for payment.

(Basis of Award - $131,800.00)
(Amount to Date - $188,644.92)
(Contract Performance Rating – 4.50)
(EEO Compliance – 1.00)
The Commission V O T E D: that the work of P.J. Kennedy & Sons, Inc., Contractor under Contract No. P99-2005-M1A, be and hereby is accepted as completed.
The Commission further V O T E D: to approve Estimated No. 19 (Final), in the amount of $672.38, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,232.90, for payment.
Associate Commissioner Rollins noting the lack of minority participation abstained from voting on this item.

1. Report of Messrs. Faucher and Haider, July 27, recommending the following on Contract No. P00-2059-M1A, with P. J. Kennedy & Sons, Inc., for Service and Maintenance of HVAC Systems at Various Flood Control/Navigational Sites –
(a) That work be accepted as completed as of June 30, 2001.
(b) That Estimate No. 8 (Final), in the amount of $7,902.85, be approved for payment.
(c) That reserve, in the amount of $2,904.38, be approved for payment.
(Basis of Award - $58,087.50)
(Amount to Date - $58,087.50)
(Contract Performance Rating – 83 with 100 being excellent)
(EEO Compliance – 1.00)
The Commission V O T E D: that the work of P. J. Kennedy & Sons, Inc., Contractor under Contract No. P00-2059-M1A, be and hereby is accepted as completed as of June 30, 2001.
The Commission further V O T E D: to approve Estimate No. 8 (Final), in the amount of $7,902.85, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $2,904.38, for payment.
Associate Commissioner Rollins noting the lack of minority participation abstained from voting on this item.

2. Report of Messrs. Faucher, Misslin, Brooks and Martinez, August 17, submitting for approval Project Summary, Work Schedule, Project Justification and requesting authorization to advertise Project No. P02-2135-C1A, for Demolition and Replacement of the Roof at the Herter Center Building, Brighton.
Estimated Cost - $80,000.00.
Time for Performance – two weeks.
Account No. 2440-8885.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2135-C1A, for Demolition and Replacement of the Roof at the Herter Center Building, Brighton.

Adjourned 9:35 a.m., to meet on Thursday, September 6, 2001, at 9:00 a.m.

William F. Chisholm
Secretary

Record of the Three Thousand Nine Hundred and Ninety Seventh (3997th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, September 13, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

At this point, the Commission observed a moment of silence in honor of those who were injured or killed at the World Trade Center, the Pentagon and in Pennsylvania, as the result of terrorist hijackings of aircraft on Tuesday, September 11, 2001.

The Records of the Commission Meeting held on August 16, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Carrigan and MacLean, July 10, recommending approval of the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 4 on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District Commission, as follows –
Extra Work Order No. 4 **$15,000.00**
Installing a cement concrete and granite block
foundation for an artillery cannon at the Hatch Shell
(The funding source for this Extra Work Order will be Parks Trust Account No. 2448-0052).
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 4 on Contract No. P00-2086-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 4, in the amount of $15,000.00.

2. Report of Messrs. Faucher, Misslin, Brooks and Balicki, August 23, requesting approval of a Revision in Quantity, on Contract No. P01-2111-C1A, with B.S.A. Painting Co., to Waterblast, Patch, Paint and Caulk Swimming Pools, Various Locations, as follows –
Item No. 003 Caulk Expansion Joints **$13,956.00**
(No additional funding is required as there are sufficient unused quantities in Item No. 002 – Patching Cracks, to offset the cost).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Brooks, Misslin and Gabra, August 23, on bids for Installation of New Heating and Ventilating System at the Service Building of the Melnea Cass Pool, Roxbury, Contract No. Po1-2124-C5A.
(Messrs. Faucher, Brooks, Misslin and Gabra recommend acceptance of the lowest corrected bid received, that of General Air Conditioning & Heating. Inc., of $67,300.00).
The Commission V O T E D: to accept the lowest corrected bid received, that of General Air Conditioning & Heating, Inc., of $67,300.00.

Associate Commissioner Rollins noted that she was voting to accept the lowest corrected bid of General Air Conditioning & Heating. Inc., with reservations.

1. Report of Mr. Faucher, August 21, recommending approval of Amendment No. 1, for an extension of time from October 31, 2001 to October 31, 2003, on Contract No. P94-1713-D1B, with Maguire Group, Inc., for Quincy Shore Drive and Wollaston Beach Shore Protection Rehabilitation, which will allow sufficient time to complete design work and provide engineering services during the construction phase of the project.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Carrigan and MacLean, August 3, recommending approval of the following on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District Commission –

Extra Work Order No. 5	**$3,500.00**
Two ¾" copper water lines with gate valves (includes) removal and storage of two Shurcliff gates)	
Extra Work Order No. 6	**$3,000.00**
Rebuilding 12 Electric Handholes	
	Total - $6,500.00

(No additional funding is required as there are sufficient unused quantities in Item No. 021-010 – Bituminous Concrete for Sidewalks, Driveways, Patching, Small Parking Lots, and Sports Courts, Complete in place).
The Commission V O T E D: to approve Extra Work Order No. 5, in the amount of $3,500.00.
The Commission further V O T E D: to approve Extra Work Order No. 6, in the amount of $3,000.00.

3. Report of Mr. Faucher and Ms. Pomorska, September 6, recommending approval of revisions in quantities on the following items on Contract No. P00-2033-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signals and Control Systems in Middlesex Fells and Revere Beach Districts -

Item No. 002-010 – Materials	-	**$ 9,600.00**
Item No. 020-010 – Traffic Control Services	-	**$ 2,150.00**
	Total -	**$11,750.00**

(No additional funding is required as there are sufficient unused quantities in Item Nos. 007-010 – Pedestrian Signal Head - Type B, 007-020 – Pedestrian Signal Head - Single Section, 011-010 – Cement Concrete Foundation, 011-020 – Cement Concrete Foundation - Octagonal, 006-010 – Vehicle Signal Head – Single Section, 008-030 – Post Top Mounting, to offset the cost).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Lenhardt, September 7, requesting that the Commission amend its vote of September 7, 2000, approving a revision in quantity on Item No. 002-010, Pile Cap Repair, in the amount of $102,000.00, on Contract No. P84-1276-C1A, with SPS New

England, Inc., for Repairs to Cambridge Viaduct, Cambridge, be deleting Account No. 2490-0017 and inserting Account No. 2490-2001.
The Commission V O T E D: to amend its vote of September 7, 2000, approving a revision in quantity on Item No. 002-010, Pile Cap Repair, in the amount of $102,000.00, on Contract No. P84-1276-C1A, with SPS New England, Inc., for Repairs to Cambridge Viaduct, Cambridge, be deleting Account No. 2490-0017 and inserting Account No. 2490-2001.

1. Report of Messrs. Faucher, Carrigan and MacLean, August 22, recommending approval of a revision in quantities on Item No. 090-010 – Zoo Fencing, Furnish and Install 10 Foot High Black Vinyl Clad Chain Link Fence, 2 Foot Buried – at a cost of $8,797.80, on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences, at Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 091-010 – Zoo Fencing, Furnish and Install 8 Foot High Black Vinyl Clad Chain Link Fence).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Carrigan and MacLean, August 22, recommending approval of a revision in quantities on Item No. 005-010 – Ledge Excavation – at a cost of $1,320.00, on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences, at Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 075-010 – Boston Pattern Fence).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Carrigan and MacLean, August 22, recommending approval of a revision in quantities on Item No. 034-010 – Bituminous Concrete Base, Binder and Surface Course – at a cost of $2,588.87, on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences, at Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 075-010 – Boston Pattern Fence)
The Commission V O T E D: Approved

4. Report of Messrs. Faucher, Misslin, Brooks and Balicki, September 7, on bid proposal for Repairs to Connell Swimming Pool, Weymouth, Contract No. P02-2134-C1A.
(Messrs. Faucher, Misslin, Brooks and Balicki recommend acceptance of the only bid proposal received, that of Aquatic Technology, of $9,650.00).
The Commission V O T E D: to accept the only bid proposal received, that of Aquatic Technology, of $9,650.00.

5. Report of Messrs. Faucher, Misslin, Brooks and Martinez, September 10, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2138-C1A, for Foundation for the Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus.
Estimated Cost - $272,000.00.

Time for Performance – six weeks
Funding from Account No. 2440-7991.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2138-C1A, for Foundation for the Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Baratta, August 20, on bids for Final Phase Sewer Construction-Holden Chapel, Crestview, Mark Circle/Salisbury and Putnam/Twin Brook, Contract No. WM00-061-CIA, Project No. 00-1H.
Messrs. McGinn, and Baratta request that the Commission, along with the Town of Holden, jointly award Contract No. WM00-061-C1A, Project No. 00-1H to J. A. Polito & Sons, Inc., the lowest bidder, in the amount of $8,098.332.00.
The Commission V O T E D: to award jointly with the Town of Holden, Contract No. WM00-061-C1A, Project No. 00-1H- to J. A. Polito & Sons, Inc., the lowest bidder, in the amount of $8,098.332.00

2. Report of Mr. McGinn, June 26, requesting approval and execution of Contract Agreement No. WM046-X1A, with the Town of Holden, for Reimbursement to Town of Holden for Parker-Cook Sewer Transport Charges Pursuant to Chapter 55 of the Acts of 1999, in the amount of $500,000.00.
(Funds are available in Account No. 2420-4996).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract Agreement No. WM046-X1A, dated September 13, 2001, with the Town of Holden, which was signed by the Commissioner and four Associate Commissioners.

3. Report of Mr. McGinn and Ms. Austin, August 14, recommending the following on Contract No. WM99-056-S1A, with the University of Massachusetts at Amherst, Division of Civil and Environmental Engineering, for Water Quality in MDC Reservoirs –
(a) That work be accepted as completed as of August 14, 2001.
(b) That Invoice No. 13-Final, in the amount of $4,019.10, be approved for payment.
(Basis of Award - $440,291.00)
(Total to Date - $407,092.21)
(Contract Administration Rating – 9 with 10 being excellent)
The Commission V O T E D: that the work of the University of Massachusetts at Amherst, Division of Civil and Environmental Engineering, be and hereby is accepted as completed as of August 14, 2001.
The Commission further V O T E D: to approve Invoice No. 13-Final, in the amount of $4,019.10, for payment.

1. Report of Messrs. McGinn and Kane, August 30, submitting for approval Work Schedule, Project Summary and Project Justification and requesting authorization to solicit proposals, for Project No. WM02-060-S1A, for Underwater Engineering Inspection of Dams, Spillways and Ancillary Structures.
Estimated Cost – not-to-exceed $100,000.00.
Estimated duration of work – 4 months from Notice to Proceed.
Account No. 2420-8960.
The Commission V O T E D: Approved.
The Commission further V O T E D: requesting authorization to solicit proposals, for Project No. WM02-060-S1A, for Underwater Engineering Inspection of Dams, Spillways and Ancillary Structures.

Action was taken upon the following Various Matters:

2. Report of Mrs. Overton Bussell and Mr. Murphy, September 10, requesting approval for a debris removal program to dispose of materials generated during the demolition of cottages on Peddocks Island. The construction and demolition waste generated by this program will be disposed of by utilizing an existing statewide contract with New England Recycling, Inc.
Estimated Cost - $50,000.00.
Completion Date – June 30, 2002.
Account No. 2440-0031.
The Commission V O T E D: Approved as requested by Mrs. Overton Bussell and Mr. Murphy in their report of September 10, 2001.

3. Report of Mr. Jewett, September 10, requesting approval of the selection of CDW Consultant, Inc., to perform the services under Contract No. P01-2123-D1A, for Licensed Site Professional, Engineering and Land Use Planning Services – Sax Property, 140 Granite Street, Dorchester, Massachusetts.
Estimated Duration of Services – one year from Notice to Proceed.
Compensation – in an amount not-to-exceed - $167,000.00.
Account No. 2420-1420.
The Commission V O T E D: to approve the selection of CDW Consultant, Inc., to perform the services under Contract No. P01-2123-D1A, for Licensed Site Professional, Engineering and Land Use Planning Services – Sax Property, 140 Granite Street, Dorchester, Massachusetts.

4. Report of Commissioner Balfour, September 13, 2001, recommending that the Commission approved the designation of the new MDC Footbridge, at Constitution Beach, East Boston, in honor of Anthony (Tony) Marmo for his dedication to the youngsters of East Boston and surrounding Communities.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Office of General Counsel:

5. Report of Mr. Gray, September 10, recommending that the Commission ratify the vote of the Commission at its meeting of August 9, 2001, and adopt an Order of Taking for acquisition of approximately 311.4 acres of land owned by Lawrence H. Cournoyer, located in the Towns of

Paxton and Rutland, Massachusetts, and to approve an award of damages in the amount of $2,800,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to ratify the vote of the Commission at its meeting of August 9, 2001, and adopt an Order of Taking for acquisition of approximately 311.4 acres of land owned by Lawrence H. Cournoyer, located in the Towns of Paxton and Rutland, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, September 13, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated partially in the Town of Paxton and partially in the Town of Rutland, in the County of Worcester and Commonwealth of Massachusetts, namely:

Three certain parcels of land lying on and off of the easterly side of Route 56-Richards Avenue, Paxton and Maple Street, Rutland, and on or off of the southerly side of the road in Rutland known as Emerald Road a.k.a. Irish Lane, more particularly bounded and described as follows:

Parcel 1

A certain parcel of (registered) land, lying mostly in the northerly part of Paxton, but partially in the southerly part of Rutland, on and off of the easterly side of the Worcester County Highway known as Route56-Richards Avenue, a.k.a. Rutland Highway, Maple Avenue in Rutland, and on the southerly side of the town road in Rutland known as Irish Lane or Emerald Road, being most of Lot E as shown upon Land Court Plan 7654E, dated Oct. 11, 1935, prepared by H. L. Robinson, Engineer, which plan is filed with Certificate of Title No. 894 at the Worcester Registry District of Worcester County, more particularly bounded and described as follows:

Beginning at a point in a stone bound, in a stone wall, on the easterly side of Route56-Richards Avenue, at the southwesterly corner of the premises being described herein, said point being at the northwesterly corner of land, formerly of J. Westlund et al, now or formerly, supposed to be of Eleanor H. Becker;

Thence S. 87° 30’ E., 1564 feet, to a point;

Thence N. 88° 30’ E., 405.00 feet, to a point in another stone bound, at land, formerly of A.A. Brigham, now or formerly, of the Sisters of Saint Ann (see the deed dated 18th April 1980 and recorded with Worcester District Registry of Deeds at Book 6967, Page 131);

Thence N. 27° W., 413.00 feet, to a point at an angle in the line;

Thence N. 07° E., 612.00 feet, to a point;

Thence N. 04° E., 393 feet, to a point at the southwesterly corner of the W.E. Clark Lot, other (recorded) land of Lawrence H. Cournoyer, described below as Parcel 3;

Thence N. 00° 30’ W., 188 feet, by the W.E. Clark Lot, to a point;

Thence N. 07° 30’ E., 463 feet, by the W.E. Clark Lot, to a point in a stone bound, at the northeasterly corner of the W.E. Clark Lot, and the southwesterly corner of land, formerly of Ernest C. Howard et al, now of the City of Worcester, Water Works Department, Pine Hill Reservoir;

Thence N. 27° 15’ W., 1312.00 feet, by a stone wall, crossing a gap therein and running to a point in the middle of Old Town Road;

Thence N. 04° E., 315 feet, by the continuation of the stone wall, to a point in a wall corner;

Thence S. 85° 45’ E., 588 feet, by the stone wall, to a point at an angle therein;

Thence N. 74° 45’ E., 280 feet, by the wall, to a point at another angle therein;

Thence N. 50° E., 392 feet, by the wall, to a point at its end, at land shown upon Land Court Plan 7654D, filed with Certificate No. 1310;

Thence N. 03° 27’ W., 465.51 feet, by a Lot D, to a point at an angle in the line;

Thence N. 07° 03’ W., 1047.00 feet, by Lot D, to a point at another angle in the line, said point being in the Paxton-Rutland Town Line;

Thence N. 36° 16’ W., 1084.90 feet, by Lot D, to another point at another angle in the line;

Thence N. 10° 47’ W., 1098.40 feet, by Lot D, to a point in the southeasterly line of

Irish Lane a.k.a. Emerald Road, the last nine courses, being by lands of the City of Worcester, Water Works Department, Pine Hill Reservoir;

Thence Southwesterly, about 1156 feet, more or less, by the southeasterly line of Irish Lane, to a point at which a Chestnut Tree once stood, at the northeasterly corner of land, formerly of M.J. Cullen, now or formerly, of Madeline F. Parquette and the late Archer W. Parquette (see the deed dated May 22, 1957 recorded with said Deeds at Book 3863, Page 205);

Thence S. 09° 30’ W., 344 feet, to a point;

Thence S. 22° 45’ W., 362 feet, to a point;

Thence S. 27° 45’ W., 285 feet, to a point;

Thence S. 14° 30’ W., 152 feet, to a point;

Thence S. 12° W., 281 feet, to a point;

Thence S. 02° 45’ W., 70 feet, to a point in the center line of Johnson Brook a.k.a. Turkey Brook, said point being at the northwesterly corner of other (recorded) land of Lawrence H. Cournoyer, described below as Parcel 2, the last five courses being by land, now or formerly, of M.F. Parquette & the late A.W. Parquette;

Thence Southeasterly, about 1182 feet, along the center line of Johnson Brook, by the westerly line of Parcel 2 as described below, to a point at which a Maple Tree once stood, being the southeasterly corner of Parcel 2, (the tie line for this course being S. 00° 30’ E., 1182.00 feet);

Thence S. 81° 45’ W., 382.60 feet, more or less, by the southerly line of Parcel 2, entering and running by a stone wall, to a stone bound therein, marking the northeasterly corner of the Lot 5, land, now or formerly, of R.E. Jones et ux, shown upon Land Court Plan # 7654K, dated November 22, 1958, prepared by Philip H. Grout, Surveyor, which plan is filed with Certificate of Title No. 5242 in Registration Book 27, all of the preceding courses are as shown upon Land Court Plan 7654E;

Thence S. 08° 30’ 00” E., 307.00 feet, to a point in a stone bound set at an angle in the line;

Thence S. 17° 14’ 00” E., 200.00 feet, to a point in another stone bound set at the

southeasterly corner of Lot 5, and the northeasterly corner of Lot 4, land, now or formerly, of Raymond W. Gaulin, as shown upon Land Court Plan # 7654J filed with Certificate of Title No. 5305 in Registration Book 27;

Thence S. 19° 26’ 20” E., 197.00 feet, by the easterly line of Lot 4, to a drill hole in rock, marking the northeasterly corner of other land, now or formerly, of Raymond W. Gaulin, shown as Lot 1 upon Land Court Plan 5467G, dated November 10, 1953, prepared by P.R. Grout, Surveyor, which plan is filed with Certificate of Title No. 4666 in Registration Book 24;

Thence S. 19° 31’ 30” E., 104.14 feet, by the easterly line of Lot 1, to a drill hole in rock, marking the northeasterly corner of land, now or formerly, of Linwood M. Erskine, Jr., shown as Lot 3 upon Land Court Plan 7654I, dated April 27, 1955, prepared by P.R. Grout, Surveyor, which plan is filed with Certificate of Title No. 4940 in Registration Book 25;

Thence S. 23° 37’ E., 132.10 feet, by the easterly line of Lot 3, to a concrete bound set at a point therein;

Thence S. 23° 37’ E., 756 feet, by the easterly line of Lot 3, crossing Johnson Brook and running to a drill hole in a stone wall, at the northeasterly corner of land, formerly of F. Griffin, now or formerly, of Lorna L. Carter (see the deed recorded with said Deeds at Book 4979, Page 7);

Thence Southeasterly, about 200 feet, more or less, partially by land, now or formerly, of L.L. Carter and partially by land, now or formerly, supposed to be, of James H. & Holly M. Robert, crossing the “Old Town Road”, and running to a point in the shore line of a small pond;

Thence Southwesterly and southeasterly, about 430 feet, more or less, by estimate, along the shore line of the pond, to a point therein;

Thence S. 66° 30’ E., 138.00 feet, entering and running by a stone wall to a point in a wall corner, said corner being the northeasterly corner of land, now or formerly, supposed to be of Hartwell Griffin, the last two courses being by land, now or formerly, supposed to be of J.H. & H.M. Robert;

Thence S. 10° 30’ E., 317 feet, running by and through the stone wall, to a point on the southerly side of a Lane;

Thence S. 34° 30’ W., 30 feet, by the southerly line of the Lane, to a point in another wall;

Thence S. 03° E., 726 feet, by the stone wall, to a point at the northwesterly corner of , land, now or formerly, supposed to be of Robert S. Jr. & Dian M. Lamotte, being the northerly portion of Lot B as shown upon Land Court Plan 7654B, filed with Certificate of Title No. 902;

Thence S. 02° 45' W., 300 feet, by the easterly line of Lot B to a point at the end of the wall, at the southeasterly corner of Lot B, this course being partially by land, now or formerly, supposed to be of R.S., Jr. & D.M. Lamotte, and partially by land, now or formerly, supposed to be of John J. Pagano;

Thence N. 89° W., 291 feet, by the southeasterly line of Lot B to a point in the stone wall running along the easterly line of Route 56-Richards Avenue;

Thence Southeasterly, about 350 feet, more or less, by the stone wall and the easterly line of the Avenue to the first mentioned stone bound, at land, now or formerly, supposed to be of E.H. Becker, being the point and place of beginning.

Containing about 310.90 acres, more or less, by estimate, in total, of which the following parcel of 48 acres, more or less, is excluded and excepted.

SPECIFICALLY EXCLUDING AND EXCEPTING, however, from the provisions of this conservation easement taking, and reserving to Lawrence H. Cournoyer, his heirs and assigns, free from all restrictions provided for herein, the following lot with house, barn and outbuildings:

A certain parcel of land on the easterly side of Route 56-Richards Avenue, and on the southeasterly side of an "Old Town Road", being the southwesterly portion of the above described Parcel 1, more specifically bounded and described as follows:

Beginning at a point in a stone bound, in a stone wall, on the easterly side of Route56-Richards Avenue, said bound being the beginning and ending point in the description of Parcel 1 above;

Thence S. 87° 30' E., about 900 feet, more or less, to a point at a corner;

Thence Turning northerly, and running perpendicular to the last course, forming a right angle, about 750 feet, more or less, to a point at an angle in the line;

Thence Northeasterly, about 800 feet, more or less, to a point at another angle;

Thence Northerly, about 850 feet, more or less, to a point at another corner;

Thence Northwesterly, about 200 feet, more or less, to a point at another corner;

Thence Southwesterly, about 460 feet, more or less, to a point at another corner;

Thence Northwesterly, about 180 feet, more or less, to a point at another corner;

Thence Northeasterly, about 420 feet, more or less, to a point at another corner;

Thence Northwesterly, about 420 feet, more or less, to a point in the northwesterly line of the "Old Town Road" cited above;

Thence Southwesterly, 630 feet, more or less, by the line of the "Old Town Road" to a point in the easterly line of land, now or formerly, of Lorna L. Carter (see the deed recorded with said Deeds at Book 4979, Page 7);

Thence Southeasterly, about 42 feet, more or less, re-crossing the "Old Town Road" and running partially by the easterly line of the last named abutter and partially by land, now or formerly, supposed to be of James H. & Holly M. Robert, to a point in the shore line of a small pond;

Thence Southwesterly and southeasterly, about 430 feet, more or less, by estimate, along the shore line of the pond, to a point therein;

Thence S. 66° 30' E., 138.00 feet, entering and running by a stone wall to a point in a wall corner, said corner being the northeasterly corner of land, now or formerly, supposed to be of Hartwell Griffin, the last two courses being by land, now or formerly, supposed to be of J.H. & H.M. Robert;

Thence S. 10° 30' E., 317 feet, running by and through the stone wall, to a point on the southerly side of a Lane;

Thence S. 34° 30' W., 30 feet, by the southerly line of the Lane, to a point in a wall;

Thence S. 03° E., 726 feet, by the stone wall, to a point at the northwesterly corner of, land, now or formerly, supposed to be of Robert S. Jr..& Dian M. Lamotte, being the northerly portion of Lot B as shown upon Land Court Plan 7654B, filed with Certificate of Title No. 902;

Thence S. 02° 45' W., 300 feet, by the easterly line of Lot B to a point at the end of the wall, at the southeasterly corner of Lot B, this course being partially by land, now or formerly, supposed to be of R.S., Jr. & D.M. Lamotte, and partially by land, now or formerly, supposed to be of John J. Pagano;

Thence N. 89° W., 291 feet, by the southeasterly line of Lot B to a point in the stone wall running along the easterly line of Route 56-Richards Avenue;

Thence Southeasterly, about 350 feet, more or less, by the stone wall and the easterly

line of the Avenue to the first mentioned stone bound, being the point and place of beginning.

Containing about 48 acres, more or less, as shown upon a sketch plan by Matlock Associates, dated 6/20/01, entitled "Proposed Excluded Land – Cournoyer Property," attached hereto as EXHIBIT A, to be incorporated herein. The excluded parcel shall be more particularly delineated on a survey plan to be completed by the landowner and recorded at the Worcester District Registry of Deeds at a later date, which survey plan shall conclusively establish the exact boundaries of the excluded parcel.

Parcel 2

A certain parcel of (recorded) land, lying partially in Rutland and partially in Paxton, situated on the easterly side of Route 56-Richards Avenue & Maple Street, and bounded generally by said highway on the west, by land, now or formerly, of Archer W. & Madeline F. Parquette, on the north, by Turkey Brook a.k.a. Johnson Brook, on the east, and by other (registered) land of Lawrence H. Cournoyer (described above), and (registered) land, now or formerly, of Robert E. Jones, et ux, on the south, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel being described herein, at a stone monument set at a point in the easterly line of the County road, known as Richards Avenue or Rutland Highway, said bound marking the northwesterly corner of Lot 5, registered land, now or formerly, of Robert E. Jones et ux, shown upon Land Court Plan 7654K, dated November 22, 1958 and filed with L.C. Certificate # 5242 in Registration Book 27;

Thence	Northeasterly, along the easterly layout line of the County Highway, 1840 feet, more or less, crossing the Paxton-Rutland Town Line and running to a point at the southwesterly corner of land, now or formerly, of Archer W. & Madeline F. Parquette (see the deed recorded with Worcester District Registry of Deeds at Book 3863, Page 205), said point being located 25 feet northerly from a Worcester County Highway bound;
Thence	S. 64° E., about 930 feet, more or less, by the southerly line of land, now or formerly, of A.W. & M. F. Parquette, to a point in the center line of Johnson Brook a.k.a. Turkey Brook;
Thence	Southerly, 1182 feet, more or less, by the center line of the brook, to a point, at or near a Maple Tree, all as shown upon Land Court Plan 7654E, dated October 11, 1935, and filed with Certificate # 2192 in Registration Book 11;
Thence	S. 81° 45' W., 382.60 feet, more or less, entering and running by a stone wall, and by other (registered) land, of Lawrence H. Cournoyer, to a stone bound in the wall, marking the northeasterly corner of the aforesaid Lot 5, land, now or formerly, of R.E. Jones et ux;

Thence S. 69° 30' W., 808.40 feet, by the stone wall and the northerly line of Lot 5, to the first mentioned bound in the easterly line of Route 56-Richards Avenue, a.k.a. Rutland Highway, being the point and place of beginning.

Containing about 40 acres, more or less, according to Paxton & Rutland Assessors Tax Maps.

Parcel 3

A certain tract of (recorded) land situated in the north part of Paxton, supposed to contain about 8.5 acres, more or less, by deed description, being known as the "William E. Clark Lot", accessed via a lane off of the easterly side of Route 56-Richards Avenue a.k.a. Rutland Highway, bounded generally, on the west by other (registered) land of Lawrence H. Cournoyer, described above as Parcel 1, on the north by land, formerly of Ernest C. Howard et al, now of the City of Worcester Water Works Department (Pine Hill Reservoir), on the east by the Campus of Anna Maria College, and, on the south by land, formerly of A.A. Brigham, now of the Sisters of Saint Ann, more particularly bounded and described as follows;

Beginning at a stone bound at the northwesterly corner of the premises being described herein, at the southeasterly end of a stone wall, dividing land, formerly of E.C. Howard et al, now of the City of Worcester, from other (registered) land of Lawrence H. Cournoyer, as shown upon the above cited Land Court Plan # 7654E;

Thence N. 82° E., 38 rods, or about 627 feet, more or less, by the land of the City of Worcester Water Works Department (Pine Hill Reservoir) to a point at the northwesterly corner of the former William H. Harrington Farm, now the Campus of Anna Maria College, at which point a 2 inch iron pipe is set, as shown upon the 3rd sheet of a survey plan entitled "Plan of Property In Paxton, Mass Owned By The Sisters Of Saint Ann", dated May 7, 1979, prepared by Thompson-Liston Associates, Inc., Kenneth R. Engvall, P.L.S., which plan is recorded with said Deeds as Plan 16 in Plan Book 464;

Thence S.09° 41' 12" W., 626.37 feet, by the Campus of Anna Maria College, to a point in a concrete bound set at the southeasterly corner of the premises being described herein, and the northeasterly corner of land, now or formerly, of the Sisters of Saint Ann (see the deed dated 18th April 1980 and recorded with said Deeds at Book 6967, Page 131);

Thence N. 88° 41' 12" W., 633.06 feet, by land, now or formerly, of the Sisters of Saint Ann, to a point in another concrete bound set at the southwesterly corner of the premises being described herein, said point being in the easterly line of other (registered) land of Lawrence H. Cournoyer, described above as Parcel 1;

Thence N. 00° 30' W., 188 feet, by the easterly line of Lot E as shown upon Land Court Plan # 7654E, to a point;

Thence N. 07° 30' E., 463 feet, by the easterly line of Lot E, to the first mentioned point in the stone bound at the northwesterly corner of the parcel herein being described, being the point and place of beginning.

Containing about 8.5 acres, more or less, by deed description.

The above described premises are represented upon Paxton Assessors Tax Maps as Lot 8, and most of Lot 9 on Map 16, and as Lot 4 on Map 9, and upon Rutland Tax Map 38, Block A, as Lots 2, 3, 4 and 5.

The aforementioned parcels are supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
Lawrence H. Cournoyer	±311.40 acres, more or less

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and Parcel 1 being most of the same premises described in a deed from Antonette A. Cournoyer to Lawrence H. Cournoyer, dated October 3, 1973, being Land Court Document 29435. See L.C. Transfer Certificate of Title No. 8358 in Registration Book 42, and the cited L.C. Plan # 7654E, dated Oct. 11, 1935 and filed with Certificate of Title No. 894, and see also the subdivided lots sold: Lot 1 on plan # 7654G filed with Certificate No. 4666; Lot 2 on Plan # 7654H filed with Certificate No. 4831; Lot 3 on Plan # 7654I filed with Certificate No. 4940; Lot 4 on Plan # 7654J filed with Certificate No. 5305; and, Lot 5 on Plan 7654K filed with Certificate No. 5242. And Parcels 2 & 3 as described above being the same premises described in a deed from Antonette A. Cournoyer to Lawrence H. Cournoyer, dated 3rd October 1973 and recorded with the Worcester District Registry of Deeds at Book 5390, Page 506.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcels of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads or portions thereof, shall be permitted on said premises after the date of recording of this

order of taking; provided, however, that new trails or walkways which are required to maintain or otherwise preserve the agricultural and forestry activities on said premises and on the abutting property shall be permitted; provided further, that new trails or walkways which may be required in order to allow the public to access the premises in accordance with the terms hereof, shall also be permitted.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No motorized vehicular recreational use by the public or by the landowner shall be permitted; provided, however, that nothing herein contained shall preclude the use of motorized equipment and vehicles incidental to maintenance, agricultural and forestry activities.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

The parcel of land hereby restricted shall remain open to the public for non-motorized, passive, non-commercial, recreational use, such as, but not limited to, hiking, snowshoeing, nature study, skiing, hunting, fishing and bird watching. Said right of public access shall not include the following: providing parking for the public, erecting signs that the property is available for public access, overnight camping, the use of amplified music or public address systems, or the use of open fires on the premises. Any such public access is subject to the limited liability provisions of Section 17C of Chapter 21 of the General Laws.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
Lawrence H. Cournoyer	$ 2,800,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $2,800,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

At this point, Secretary Chisholm announced that Helene J. Joyce, a dedicated employee of the Central Services Division, was retiring.

The Commissioner and Associate Commissioners then unanimously adopted the following Resolution:

1. **Resolved**: that the Metropolitan District Commission, assembled at its Meeting held on September 13, 2001, does hereby express its deep and sincere appreciation to Helene J. Joyce, of the Central Services Division, for her more than twenty-four years of professional, productive service with the Commission and for the example she has set as a conscientious and dedicated public servant; that she will be missed by her many friends and co-workers; that the Commissioner and Associate Commissioners, constituting said Metropolitan District Commission, do hereby extend to her their cordial best wishes that the years of her retirement may be many, and that they may be fruitful in the happiness and contentment she so richly deserves; that this Resolution be spread upon the records of this Meeting; and that the Secretary prepare and forward a suitably inscribed copy thereof to Mrs. Joyce

Adjourned at 9:40 a.m., to meet on Thursday, September 20, 2001, at 9:00 a.m.

William F. Chisholm
Secretary

Record of the Three Thousand Nine Hundred and Ninety Eighth (3998th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, September 20, 2001.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Carr, as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Carr and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on August 23, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Misslin, Brooks and Kane, September 13, recommending approval of the action of Deputy Commissioner Faucher resulting in Extra Work Orders on Contract No. P01-2115-C1A, with T. Cooney Co., for Renovation of the Allston-Brighton Wading Pool Bathrooms, Brighton, as follows –

Extra Work Order No. 1	**$3,553.34**
Replacement of Roof Drain	
ExtraWork Order No. 2	**$ 701.22**
Urinal	
Extra Work Order No. 3	**$1,628.22**
Remove and Relocate Wading Pool Water Feed	
Extra Work Order No. 4	**$6,018.09**
Resurface Wall with Glazed Block, Copper Cap and Glazed Block Trim.	

Funding from Account No. 2440-0501.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order Nos. 1, 2, 3 and 4 on Contract No. P01-2115-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of $3,553.34. The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount of $701.22.
The Commission further V O T E D: to approve Extra Work Order No. 3, in the amount of $1,628.22.
The Commission further V O T E D: to approve Extra Work Order No. 4, in the amount of $6,018.09.

2. Report of Mr. Faucher and Mrs. Graves Jones, September 6, recommending approval of a revision in quantities on Item No. 003-010 – Four Inch Reflectorized Line (Thermoplastic) – at a cost of $3,814.20, on Contract No. P00-2080-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.
(At no increase in contract cost as the revisions will be offset by unused quantities in Item No. 007-010 – Reflectorized Pavement Symbols and Legends (Thermoplastic).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and McCalla, September 14, recommending approval of revisions in quantities on Contract No. P00-2030-M1A, with Coviello Electric & General Contracting Co., Inc., for Maintenance of Street Lighting Systems of MDC Parkways, Roadways and Properties, at Various Locations, as follows –

Item No. 004-010 – Mercury Vapor Lamps – 250W	**$ 2,000.00**
Item No. 016-010 – HPS Fixture 400W	**$ 1,450.00**
Item No. 024-010 – Materials, Components and Parts	**$32,000.00**
Total	**$35,450.00**

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 001-010 – Pole KD, 009-010 – Metal Halide Lamp 175W, 011-010 – Photo Cell Button Type, 012-010 – Plastic Ornamental Globes, 019-010 – Hourly Rate for Helper and Item No. 025-010 – Traffic Control Services).
The Commission V O T E D: Approved

2. Report of Messrs. Faucher and Soroka, September 6, recommending approval of a revision in quantities on Item No. 002-010 –Material, Components and Parts – at a cost of $11,000.00, on Contract No. P00-2034-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Charles River Basin Districts.
Funding from Account No. 2490-0017.
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Misslin, Brooks and Haider, September 14, recommending approval of Extra Work Order No. 4 – to modify MDC Elevators at 20 Somerset Street, Boston to Accommodate Mandated Ten Digit Telephone Line Dialing – at a cost of $2,700.00, on Contract No. P00-2061-M1A, with Eagle Elevator Co., for Maintenance of Elevators at Various MDC Facilities Within the Metropolitan System.
Funding from Account No. 2440-0010.
The Commission V O T E D: to approve Extra Work Order No. 4, in the amount of $2,700.00.

4. Report of Messrs. Faucher, Carrigan and MacLean, September 14, recommending approval of the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 1, on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guardrail and Fences a Various Locations Throughout the MDC Parks System, as follows –
Extra Work Order No. 1 - $609.36
Emergency Bridge Rail Repairs in Boston on the Pedestrian Bridge over Storrow Drive, Adjacent to the Lee Pool
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 075-010 – Boston Pattern Fence).
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 1, on Contract No. P00-2087-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of $609.36.

5. Report of Messrs. Faucher and Lenhardt, September 6, requesting approval of Extra Work Orders on Contract No. P96-1819-C1A, with Boston Building & Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 and 25), Everett, as follows –

Extra Work Order No. 3 to replace deteriorated steel diaphragms to restore lateral support to the main steel beams	**$ 3,221.53**
Extra Work Order No. 5 to maintain existing deteriorated concrete deck that is still being used by traffic	**$ 7,068.00**
	Total - $10,289.53

Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $3,221.53.
The Commission V O T E D: to approve Extra Work Order No. 5, in the amountof $7,068.00.

1. Report of Messrs. Faucher and Lenhardt, September 10, recommending approval of a revision in quantities on Item No. 006-010 – Stud Shear Connector – at a cost of $14,910.00, on Contract No. P96-1819-C1A, with Boston Building & Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 and 25), Everett.
Funding from Account No. 249-2001.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Lenhardt, September 10, recommending approval of revisions in quantities and extra work claim on Contract No. P96-1819-C1A, with Boston Building & Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 and 25), Everett, as follows –

	Revisions in Quantities
Item No. 002-020 Protective Screen	**$ 5,950.00**
Item No. 002-080 Temp. Impact Attenuator	**$ 6,000.00**
Item No. 002-140 Special Lighting Unit	**$ 6,375.00**
	Extra Work Claim
Extra Work Claim No. 1 Additional Protective Shielding	**$10,880.77**
	Total - $29,205.77

Funding from Account No. 2490-2001.
The Commission V O T E D: to approve the Revisions in Quantities on Item Nos. 002-020, 002-080 and 002-140, as recommended by Messrs. Faucher and Lenhardt in this report of September 10, 2001.
The Commission further V O T E D: to approve Extra Work Claim No. 1, in the amount of $10,880.77.

3. Report of Messrs. Faucher and McCalla, September 17, recommending approval of a revision in quantities on Contract No. P00-2057-M1A, with Coviello Electric and General Contracting Co., Inc., for Electrical, Electronic and Sound System Maintenance at Sports Facilities, Recreation Areas and MDC Buildings throughout the Metropolitan District, as follows –
Item No. 6 – Material, Components, Parts and Equipment - **$50,000.00**
Total - $50,000.00

Funding of $25,000.00 from Account No. 2495-8968.
(The remaining $25,000.00 will be taken from unused quantities in Item No. 1 – hourly rate for licensed electrician, Item No. 2 – hourly rate for licensed electrician, electronics repair and service, Item No. 3 – hourly rate for helper and Item No. 4 – hourly rate for vehicle.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Office of General Counsel:

1. Report of Mr. Collette, September 17, recommending that the Commission adopt an Order of Taking for acquisition of approximately 6.836 acres of land owned by H. B. Development Corp., located in the Town of Wakefield, Massachusetts, and to approve an award of damages in the amount of $ 950,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8960.
The Commission V O T E D to adopt an Order of Taking for acquisition of approximately 6.836 acres of land owned by H. B. Development Corp., located in the Town of Wakefield, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, September 20, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Wakefield in the County of Middlesex and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the southeasterly side of Wiley Street and the southerly side of the centerline of the Mill River, shown as Parcel A upon a survey plan cited at the conclusion of this description, more particularly bounded and described as follows:

Beginning at the point in the easterly line of the Middlesex County Commissioners 1947 Record Layout of Wiley Street (see the order of taking by the County Commissioners of Middlesex County dated the 8th of April 1947 and recorded with the Middlesex South Registry of Deeds at Book 7125, Page 81), at the intersection of said highway line with the Centerline of

the Mill River, said point being at the northwesterly corner of the premises herein being described, and the southwesterly corner of the adjoining lot, being land, now or formerly, of Robert A. & Katheryn Langlois (see the deed recorded with said Deeds at Book 19387, Page 487);

Thence	S. 21° 35' 30" W., 86 feet, more or less, along the easterly layout line of Wiley Street, to a point in a stone bound with drill hole found;
Thence	Southwesterly, by the record layout of Wiley Street, along the arc of a curve to the left, having a radius of 420.39 feet, an arc distance of 99.55 feet, to a point of tangency, said point being at the northwesterly corner of "Lot 1"other land, now or formerly, of the supposed owner listed below, containing the existing house, garage and barn at #28 Wiley Street, specifically excluded from this order of taking and reserved to said supposed owner, its heirs and assigns, Lot 1 is shown upon a "Sketch Plan In Wakefield, Mass.", dated 09/18/ 2001, prepared by Hayes Engineering, Inc., a copy of which is appended hereto as 'EXHIBIT A';
Thence	S. 67° 00' 00" E., 165.53 feet, by the northerly line of the excluded Lot 1, to a point at its northeasterly corner;
Thence	S. 11° 04' 03" W., 108.93 feet, by the easterly line of the excluded Lot 1, to a point at its southeasterly corner;
Thence	S. 85° 32' 25" W., 118.70 feet, by the southerly line of the excluded Lot 1, to a point at its southwesterly corner;
Thence	N. 23° 42' 21" E., 28.04 feet, by the westerly line of the excluded Lot 1, to a point in a southerly termination line of the record layout of Wiley Street, originally intended as an opening for a street extension, said point being S. 83° 32' 34" W., 2.26 feet, from a stone bound with drill hole found, in the frontage of the excluded Lot 1, marking a corner of the Wiley Street record layout;
Thence	S. 83° 32'34" W., 17.74 feet, along the Wiley Street southerly termination line, to a point at the middle of said line, said point being the northeasterly corner of land, now or formerly, of William J. & Anastasia Kamousis a.k.a. Camoujis (see the deed from Cyrus T. & Doris L. Cunningham dated 1/24/84 and recorded with said Deeds at Book 15420, Page 283 and Lot 24B upon the 1983 recorded survey plan cited below), said point being located N. 83° 32' 34" E., 20.00 feet from a stone bound with drill hole found at the terminus of a curve in said layout, in the frontage of other land, now or formerly, of William J. & Anastasia Kamousis (see the deed recorded with said Deeds at Book 23492, Page 335 and Lot 24A on the 1983 survey plan);
Thence	S. 16° 22' 44" E., 100.00 feet, by land, now or formerly, of W.J. & A.

Kamouzis, to a point lying at or near an iron rod found, on the above cited bearing;

Thence S. 14° 44’ 13’ E., 236.87 feet, by the easterly line of Lot 24B, to a point at a concrete bound with drill hole found at another corner, and at land of the Northeast Metropolitan Regional Vocational School District (see the deed from the Commonwealth of Massachusetts, Metropolitan District Commission, dated 12/24/65, authorized by Chapter 738 of the Acts of 1965, and recorded with said Deeds at Book 11020, Page 232);

Thence S. 87° 42’ 12” E., 265.29 feet, by the northerly line of the regional school, to a point at another concrete bound with drill hole found, at an angle in the line;

Thence S. 82° 12’ 33” E., 300.45 feet, still by the land of the regional school, to a point near a corner of a 6 foot chain link fence;

Thence N. 29° 33’ 16” W., 63.62 feet, by land of the school, along the fence, to another concrete bound with drill hole found;

Thence N. 34° 36’ 56” W., 63.33 feet, by land of the school and along the fence, to another concrete bound with drill hole found at another corner;

Thence N. 27° 32’ 34” E., 120.00 feet, by land of the school, along and past a corner of the fence, to another concrete bound with drill hole found, marking the severance line between land conveyed to the vocational school and land retained by the Commonwealth of Massachusetts, MDC, “Breakheart Reservation” (see the deed from the Breakheart Hill Forestry Corporation to the Commonwealth of Massachusetts, MDC, dated 12/01/1934 and recorded with said Deeds at Book 5893, Page 112);

Thence N. 27° 32’ 34” E., 179.73 feet, by the westerly line of “Breakheart Reservation”, to a point near another concrete bound with drill hole set, which bound was found 0.63 feet off line on a bearing of N. 62° 27’ 26” W.;

Thence N. 27° 32’ 34” E., 38 feet, more or less, by Breakheart Reservation, to a point in the centerline of the Mill River, at land, now or formerly, of David B. Brooks (see the deed recorded with said Deeds at Book 13673, Page 514) and land, now or formerly, of James H. Jr., & Melissa R. Ross (see the deed recorded with said Deeds at Book 14735, Page 253);

Thence Northwesterly and upriver, about 780 feet, more or less, by the centerline of the Mill River, to the first mentioned point in the easterly.layout line of Wiley Street, this course being partially by land, now or formerly, of J.H. Jr., & M. R. Ross, of Ralph & Jean A. Caso (see the deed recorded with said Deeds at Book

> 19051, Page 126), of John J. & Rose Mary Sibelle (see the deed recorded with said Deeds at Book 12460, Page 476), of John J. & Judith A. Santa Maria (see the deed recorded with said Deeds at Book 16402, Page 106), and of the aforementioned R.A. & K. Langlois, said point in the easterly layout line of the 1947 Middlesex County Record Layout of Wiley Street being the first mentioned point herein, the point and place of beginning.

Containing 297,778 square feet, more or less, or 6.836 acres, more or less, as shown as Parcel A upon a plan entitled "Plan Of Land In Wakefield, Mass.", dated August 22, 2001, revised September 18, 2001, prepared by Hayes Engineering, Inc., Civil Engineers & Land Surveyors, 603 Salem Street Wakefield MA 01880, which plan shall be recorded with Middlesex South Registry of Deeds at a later date and be made a part hereof.

Note: The excluded Lot 1, reserved to the supposed owner, its heirs and assigns, is shown upon the above cited plan with a total area of 20,882 square feet, or 0.48 acres, more or less.

Parcel A and Lot 1, together comprise the entire premises shown as Lot 24, a parcel of ±7.20 acres, upon a survey plan entitled "Plan Of Land In Wakefield, Mass, Owned By Cyrus T. and Doris L. Cunningham", dated Nov. 3, 1983, prepared by David E. Beede, R.L.S., Reading, Mass., which plan was recorded with Middlesex South Registry of Deeds as Plan No. 96 of 1984, on January 26, 1984.

Parcel A is most of the land represented as Lot 24 upon Wakefield Assessors Tax Map 40. (The excluded Lot 1 is the northwesterly corner of Tax Map 40 Lot 24.)

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Wiley Street and/or the Mill River which may be held by the supposed owner, as a result of his ownership of the above described property, and being most of the remaining premises described in a deed from Martin L. Cunningham to Cyrus T. Cunningham and Doris L. Cunningham, dated 17th March 1947 and recorded with Middlesex South Registry of Deeds on March 24, 1947 at Book 7111, Page 290. (See also the Certificate of Death for Doris Louise Cunningham [died August 3, 1990], dated August 8, 1990 as filed with said Deeds at Book 21616, Page 554.) And being all of the same premises conveyed in a deed from Cyrus T. Cunningham to H. B. Development Corporation, a Massachusetts corporation, dated September 13, 2001 and recorded with Middlesex South Registry of Deeds on September 18, 2001 as Document No. 375, together with a perimeter survey plan showing all of the property later subdivided into Parcel A and Lot 1, as described above, said plan being Document No. 374 recorded as Plan No. 926 of 2001.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph

communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Wakefield, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
H. B. Development, a Massachusetts corporation	$ 950,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 950,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Action was taken upon the following Various Matter:

1. Report of Mrs. O'Brien and Mr. Corsi, August 10, requesting approval and authorization for Commissioner Balfour to execute all documents related to the transfer of Land, Charles River Park Parcel, Watertown, from the United States Government, through its National Park Services Lands to Parks Program, to the Metropolitan District Commission.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Acting Commissioner Carr to execute the documents, presented at today's Meeting, related to the transfer of Land, Charles River Park Parcel, Watertown, from the United States Government, through its National Park Services Lands to Parks Program, to the Metropolitan District Commission.

Adjourned 9:25 a.m., to meet on Thursday, September 27, 2001, at 9:00 a.m.

Secretary

Record of the Three Thousand Nine Hundred and Ninety Ninth (3999th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, September 27, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on September 13, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Griffin, September 19, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2137-C1A, for Repairs to Woods Memorial Bridge, Everett/Medford.
Estimated Cost - $550,000.00.
Time for Performance – twelve months.
Account No. 2490-8881.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2137-C1A, for Repairs to Woods Memorial Bridge, Everett/Medford

2. Report of Messrs. Faucher, Misslin, Brooks and Haider, September 20, requesting approval and execution of Amendment No. 2 for an extension of time from September 30, 2001 to October 31, 2001, on Contract No. P00-2082-S1A, with Leggette, Brashears & Graham, Inc., for Comprehensive Water Supply Study for the Blue Hill Ski Area, to ensure the continuation of service to allow the consultant to finish Phase II of the Blue Hill Ski Area ground water supply assessment.
(At no increase in Contract Cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 2, dated September 27, 2001, on Contract No. P00-2082-S1A, with Leggette, Brashears & Graham, Inc., which was signed by the Commissioner and three Associate Commissioners.
Associate Commissioner Elkort did not participate in discussion, vote on this matter or sign the Amendment

3. Report of Messrs. Faucher, Brooks, Misslin and Gabra, September 20, recommending approval of the action of Deputy Commissioner Faucher resulting in Extra Work Claim No. 1, Installation of Additional Grids and Ceiling Panels – at a cost of $425.00, on Contract No. P01-2124-C1A, with R Mullen & Associates, Inc., for Repairs of Ceiling Panels at Service Building of the Cass Swimming Pool, Washington Street, Roxbury.
Funding from Account No. 2440-8963.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Claim No. 1, on Contract No. P01-2124-C1A.
The Commission further V O T E D: to approve Extra Work Claim No. 1, in the amount of $425.00.

1. Report of Messrs. Faucher, Carrigan and MacLean, September 7, recommending approval of revision in quantities on Item No. 057-010 – Furnish, Install, Repair or Replace Black Vinyl-Clad Chain Link Fence 5' High – at a cost of $7,356.00, on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences a Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 075-010 - Boston Pattern Fence).
The Commission V O T E D: Approved

2. Report of Messrs. Faucher, Lenhardt, Griffin and Ms. Peterson, September 24, recommending approval of an extension of time from September 30, 2001 to April 30, 2002, to re-fabricate four cracked precast concrete panels that were rejected four use in the false counterweight construction, on Contract No. P93-1672-C4A, with N.E.L. Corporation, for Remedial Repairs to First Street Bridge, Cambridge.
At no additional Contract cost.
The Commission V O T E D: to approve an extension of time from September 30, 2001 to April 30, 2002, as recommended by Messrs. Faucher, Lenhardt, Griffin and Ms. Peterson, in their report of September 24, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Messrs. McGinn and Kane, September 20, requesting approval and execution of Amendment No. 5, for an extension of time from September 30, 2001 to December 31, 2003, on Contract No. WM96-011-S1A, with GEI Consultants, Inc., for Follow-Up Investigation, Winsor Dam, Ware/Belchertown.
The Commission V O T E D: Approved.
The Secretary submitted for signature Amendment No. 5, dated September 27, 2001, on Contract No. WM96-011-S1A, with GEI Consultants, Inc., which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following Various Matter:

4. Report of Mrs. O'Brien and Mr. Corsi, September 20, requesting approval and execution of Amendment No. 4, for an extension of time from September 30, 2001 to September 30, 2002, necessary to provide additional time to prepare Phase I project construction documents and permitting, on Contract-Agreement No. PL99-059-D1D, with Mills Whitaker Architects LLC, for the Restoration of Historic Landings, Charles River Esplanade, Boston.
(At no additional Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 4, dated September 27, 2001, on Contract-Agreement No. PL99-059-D1D, with Mills Whitaker Architects LLC, which was signed by the Commissioner and four Associate Commissioners.

1. Report of Mrs. Overton Bussell and Mr. DiRamio, September 18, requesting approval of an Amendment to the Interdepartmental Service Agreement (ISA), with the Division of Capital Asset Management (DCAM), which increases the cost for study, design, construction and DCAM administrative cost of the Constitution Beach Project in East Boston by $597,554.00, for a new total cost of $2,375,195.00.
Funding from Account No. 2440-7991.
At the request of Associate Commissioner Carr, Mrs. Overton Bussell reviewed with the Commission the work to be performed under the Amendment to the ISA.
The Commission V O T E D: Approved

Action was taken upon the following matters relating to the Office of General Counsel:

2. Report of Mr. Gray, September 24, recommending that the Commission approve the execution of a new Permit with the Belmont Hill School/Winsor School Boat House, to authorize the Secretary to sign the Permit and all related documents on behalf of the Commission, and to authorize the issuance of an MDC Construction Permit in accordance with the terms and provisions of the other related permits as approved by the appropriate public agencies.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize the Secretary to sign the Permit and all related documents on behalf of the Commission.
The Commission further V O T E D: to authorize the issuance of an MDC Construction Permit in accordance with the terms and provisions of the other related permits as approved by the appropriate public agencies.

3. Report of Mr. Gray, September 24, recommending that the Commission declare surplus and transfer in accordance with the provisions of Chapter 256 of the Acts of 1998, and the policies of the Executive Office of Environmental Affairs, those certain parcels of land located on the sidelines of Neilson Road in the Town of New Salem, Massachusetts, and containing approximately 3.06 acres, to the Franklin Regional Council of Governments, for highway purposes.
The Commission V O T E D: to declare surplus and transfer in accordance with the provisions of Chapter 256 of the Acts of 1998, and the policies of the Executive Office of Environmental Affairs, those certain parcels of land located on the sidelines of Neilson Road in the Town of New Salem, Massachusetts, and containing approximately 3.06 acres, to the Franklin Regional Council of Governments, for highway purposes.

4. Report of Ms. McLaughlin, September 24, recommending that the Commission adopt an Order of Taking for acquisition of approximately 13.46 Acres of land owned by the Town of Holden, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $90,000.00, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 13.46 Acres of land owned by the Town of Holden, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, September 27, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 88 of the Acts of 1997 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying in the easterly part of the said Town of Holden, at the Holden-West Boylston Corporate Line, on the southerly side of Manning Street, more particularly bounded and described as follows:

Beginning at the northwesterly corner of the parcel herein being described, at a point in the southwesterly line of the 1972 Worcester County Record Layout of Manning Street (see order of taking dated March 9, 1972 and recorded with Worcester District Registry Of Deeds at Book 5204, Page 51), said point being at the northeasterly corner of land at #635 Manning Street, supposed to be, now or formerly, of William J. & Elaine A. Wallin (see the plan recorded with said Deeds as Plan 86 in Plan Book 385, more completely referenced below at the conclusion of this description);

Thence S. 00° 29’ 34” W., 313.96 feet, to a point at a corner;

Thence S.89° 30’ 26” W., 150.00 feet, to a point in a stone wall marking the easterly line of land, supposed to be, now or formerly of Robert R. & Joan A. Lomax, the last two courses being by land, now or formerly, of W.J. & E.A. Wallin;

Thence S. 00° 20’ 00” E., 423.00 feet, by the stone wall and land, now or formerly, of R.R. & J.A. Lomax, to a point;

Thence S. 01° 53’ 00” E., 380.90 feet, by the stone wall and land, now or formerly, of R.R. & J.A. Lomax, to a stone bound at land, formerly of James Dorr, now of the Commonwealth Of Massachusetts (see the 8th Parcel described in the order of taking by the Metropolitan Water and Sewer Board, dated December 27, 1907, being Taking No.120, recorded with said Deeds at Book 1870, Page 442);

Thence S. 09° 37’ 00” E., 634.96 feet, by land of the Commonwealth of Massachusetts, formerly of J. Dorr, to another stone bound at other land of the Commonwealth of Massachusetts, the Wachusett-Coldbrook Tunnel, or, Quabbin Aqueduct, land formerly of Warren Alexander (see the Order of Taking by the Metropolitan District Water Supply Commission, dated August 21, 1928, Wachusett-Coldbrook Tunnel Taking No.4, Parcel D in Section 2, recorded with said Deeds at Book 2477, Page 467);

Thence S. 87° 13’ 40” E., 115 feet, more or less, by the northerly line of Wachusett-Coldbrook Tunnel, formerly land of W. Alexander, to a point in the westerly line of the Commonwealth of Massachusetts, Department of Public Works, 1978 Record Layout of Interstate 190, Layout No.6306, (see Order of Taking dated September 13, 1978 and recorded with said Deeds at Book 6580, Page 276, Parcel No. 2-20, land formerly of Donald A. & Patricia Dinsdale;

Thence N. 20° 41’ 06” E., 200 feet, more or less, by the westerly line of the I-190 Record Layout, to a point at Station 396+00.00 of said layout;

Thence N. 02° 02’ 10” E., 231.46 feet, more or less, by the I-190 Record Layout, to a stone bound marker for the Holden-West Boylston Town Line;

Thence N. 12° 22’ 13” W., 1125 feet, more or less, by and along the Holden-West Boylston Corporate Line, to a point in the southwesterly, or rear line of property at #661 Manning Street, being land, now or formerly, of Paul A. Dinsdale (see deed recorded with said Deeds at Book 11240, Page 205);

Thence N. 61° 31’ 39” W., 291.60 feet, more or less, by the rear line of land, now or formerly, of P.A. Dinsdale, to a point at its southwesterly corner;

Thence N. 26° 59’ 00” E., 250.00 feet by the westerly line of land, now or formerly, of P.A. Dinsdale, to a point in the southerly line of Manning Street, said point marking the northwesterly corner of the last cited abutting lot;

Thence N. 55° 07’ 45” W., 6.00 feet, more or less, by the southerly line of the Manning Street Record Layout Line, to a point of curvature;

Thence Northwesterly along the arc of a curve to the left, having a radius of 800.00 feet, an arc distance of 148.13 feet along the highway Record Layout, to the point and place of beginning.

Containing 13.46 acres, more or less, by tax map and prior deed calculation.

The recorded survey plan cited above in the opening paragraph of this description, Plan 86 in Plan Book 385, is entitled “Plan of Property in Holden, Mass., Owned By Donald A. & Patricia

Dinsdale", dated June 5, 1973, prepared by Thompson Liston Associates Inc. Civil Engineers & Land Surveyors, and signed and stamped by Douglas L. Liston, C.E.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Manning Street, which may be held by the supposed owner as a result of its ownership of the above described premises, and being the same premises described in a tax taking executed by Marion E. Hewson, Collector of Taxes, Town of Holden, against Springdale Realty Trust, dated 14 August 1992 and recorded with Worcester District Registry of Deeds at Book 14475, Page 100. (See petition to the Land Court by the Town of Holden, dated 8th May 1997, by Jean T. Berg, Treasurer, recorded with said Deeds at Book 18817, Page 361. See also the Final Judgement in Tax Lien Case Town of Holden vs. Donald Allyn Dinsdale, Trustee of Springdale Realty Trust, in which the right to redemption was forever foreclosed, dated September 16, 1999, as recorded with said Deeds at Book 22022, Page 287).
The above described premises are most of the same lands, in Holden, conveyed by Donald A. Dinsdale and Patricia J. Dinsdale to Springdale Realty Trust in a deed dated 3/05/1984 and recorded with said Deeds at Book 9420, Page 250.

The above-described property is represented upon Holden Assessors Tax Map 67 as Parcel 6.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Town of Holden	$ 90,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $90,000.00, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

1. Report of Ms. McLaughlin, September 24, recommending that the Commission adopt an Order of Taking for acquisition of approximately 26.3Acres of land owned by the Town of Holden, located in the Town of Holden, Massachusetts, and to approve an award of damages in the

amount of $55,000.00, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 26.3Acres of land owned by the Town of Holden, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, September 27, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 88 of the Acts of 1997 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain contiguous parcels of land, known as the “Howe Lot” and the “Buck Lot”, situated in the northernmost part of the said Town of Holden, lying along the southeasterly line of the Holden-Princeton Corporate Line and lying northerly of Poutwater Pond, more particularly bounded and described as follows:

Parcel No. 2, the “Howe Lot”

Beginning at the northernmost corner of the parcel being described herein, at the remains of a stake and stones at a point in the Holden-Princeton Corporate Line, which point is 62 rods, or 1023 feet southwesterly, as measured along the Corporate Line, from the Holden-Sterling-Princeton Town Corner, and at land, now or formerly, of Ronald S. Thompson (see deed dated June 11, 1959 recorded with Worcester District Registry of Deeds at Book 4030, Page 483);

Thence S. 24° 30’ E., 10 rods and 20 links, or 178.2 feet, more or less, to a point at an angular corner in the line;

Thence S. 40° 30’ E., 5 rods and 6 links, or 86.46 feet, more or less, to the remains of a stake & stones, at a corner;

Thence S. 00° 15’ E., 30 rods, or 495 feet, more or less, to the remains of a stake & stones at another corner;

Thence N. 87° 30' W., 11 rods and 6 links, or 185.46 feet, more or less, to the remains of a stake & stones at another angular corner;

Thence S. 37° 30' W., 14 rods, or 231 feet, more or less, to the remains of another stake with stones at another angular corner, being a corner of the "Buck Lot" (Parcel No. 1 described below), and of land, known as the "Richardson Lot", formerly of Davis Dairy, Inc., now of the Commonwealth of Massachusetts, Metropolitan District Commission (see order of taking dated June 2, 1994 recorded with said Deeds at Book 16405, Page 269), the last five courses being by land, now or formerly of R.S. Thompson;

Thence S. 84° 30' W., 66 rods and 7 links, or 1093.62 feet, more or less, by the "Buck Lot", to the remains of a stake and stones at a point in the Holden-Princeton Corporate Line, and at the southwesterly corner of the parcel being described herein;

Thence N. 57° 30' E., 92 rods, or 1518 feet, more or less, by the Corporate Line, to the first mentioned remains of a stake & stones at the northernmost corner of the parcel being described herein, and at land, now or formerly, of R.S. Thompson, being the point and place of beginning.

Containing 14 acres and 93 square rods, or 14.58 acres, more or less, by previous deed description.

Parcel No. 1, the "Buck Lot"

Beginning at the northeasterly corner of the parcel being described herein, at the remains of the stake and stones referenced in the above description of Parcel No. 2, the "Howe Lot", at the conclusion of the 5th course therein, at land, now or formerly, of Ronald S. Thompson (same deed cite as above) and at the northwesterly corner of land of the Commonwealth of Massachusetts known as the "Richardson Lot" (see order of taking cited above);

Thence S. 29° W., 39 rods and 4 links, or 646.14 feet, more or less, by the westerly line of the "Richardson Lot", to a point in a corner at other land, formerly of Davis Dairy, Inc., now of the Commonwealth of Massachusetts, MDC, known as the "Brown Lot" (see same order of taking cited above);

Thence N. 66° W., 68½ rods, or 1130.25 feet, more or less, partially by the "Brown Lot" and partially by other land, formerly of Davis Dairy, Inc., now of the Commonwealth of Massachusetts, MDC, and known as the "Walker Lot" (see same order of taking cited above), to a point in the Holden-Princeton Corporate Line at the southwesterly corner of the parcel being described herein;

Thence N. 57° 30' E., 19 rods, or 313.5 feet, more or less, by the Corporate Line, to the remains of a stake and stones at the southwesterly corner of the "Howe Lot", Parcel No. 2, described above;

Thence S. 84° 30' E., 66 rods and 7 links, or 1093.62 feet, more or less, by the "Howe Lot", to the first mentioned remains of the stake and stones at the northeasterly corner of the parcel being described herein, being the point and place of beginning.

Containing 11 acres and 120 square rods, or 11.75 acres, more or less, by previous deed description.

The total calculated area of the two contiguous parcels described above, and taken herein and hereby, is 26.33 acres, more or less. There are no known, recorded or unrecorded, plans of the above-described parcels.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in two deeds, the first, for the "Howe Lot" from George C. Johnson, Treasurer of the Town of Holden, to the Town of Holden, dated December 18, 1941 and recorded with Worcester District Registry of Deeds at Book 2842, Page 397 (see also the prior deed for the "Howe Lot", Franklin C. Hubbard, Collector of Taxes for the Town of Holden, from F. Lorene Oatway, dated August 29, 1939 and recorded with said Deeds at Book 2754, Page 1), and the second deed, for the "Buck Lot" from George C. Johnson, Treasurer of the Town of Holden, to the Town of Holden, dated December 18, 1941, and recorded with said Deeds at Book 2842, Page 397 (see also the prior deed for the "Buck Lot", Franklin C. Hubbard, Collector of Taxes for the Town of Holden, from Sarah A. Ball, dated August 31, 1939, and recorded with said Deeds at Book 2753, Page 469).

The above-described property is represented upon Holden Assessors Tax Map 1 as Parcels 1 & 2.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Town of Holden	$ 55,000

The Commission further V O T E D: to approve an award of damages in the amount of $55,000.00, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A

Adjourned 9:35 a.m., to meet on Thursday, October 4, 2001, at 9:00 a.m.

Secretary

Record of the Four Thousandth (4000th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 4, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on September 20, 2001, were read and approved.

1. At this point, Dominic Pezzuto of the Watershed Management Division, who is also an official of the Massachusetts Organization of Engineers and Scientists (MOSES), offered his and MOSES congratulations to the Commission on the occasion of the 4000th Meeting of the Commission.

Secretary Chisholm then read the following letter which was received from the Massachusetts Organization of Engineers and Scientists:

M. O. S. E. S.

Massachusetts Organization of State Engineers and Scientists

P.O. Box 9051, J.F.K. Station　90 North Washington Street　Boston, Massachusetts 02114

Telephone (617) 367-2727　(617) 727-9130　1-800-845-1141　Fax (617) 367-9371

WWW.MOSES-MA.ORG

MARY J RICHARDS, PRESIDENT
ROBERT A. SMITH, VICE-PRESIDENT

JOHN L. VIVEIROS, SECRETARY
ROBERT S DANILECKI, TREASURER

October 4, 2001

William F. Chisholm, Secretary
Metropolitan District Commission

Dear Secretary Chisholm:

The Massachusetts Organization of State Engineers and Scientists, MOSES, would like to extend our congratulations to the MDC Commissioner and Associate Commissioners on the extraordinary event of this day which marks the 4000th meeting of the Commission.

As you are aware, MOSES represents workers who are employed at the MDC who have dedicated themselves to maintaining the integrity and historic nature of what has been established as the oldest regional park system in the country.

In spite of several attempts to dismember, radically change and/or abolish this important entity over the years, it has survived. We believe that its survival is testimony to the dedication of those who serve in the many positions throughout the Commission at all levels, and those in the various communities the MDC serves who collectively have taken up the important stewardship of this unique urban gem.

We at MOSES will continue to do our best to protect what we believe is an important legacy for those who enjoy the MDC facilities and for those who will come after us. In addition, we hope for the days when the MDC can once again be fully funded and fully appreciated so that the duties we have inherited can continue with the same spirit and caring that its founders intended.

Once again, we salute the celebration of this important day and wish the best for the MDC in the future.

Very truly yours,

/s/ Mary Richards

Mary Richards, President

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract No. WM00-061-C1A – Project No. 00-1H, dated October 4, 2001, with J. A. Polito & Sons, Inc., for Final Phase Sewer Construction – Holden Chapel, Crestview, Mark Circle/Salisbury and Putnam/Twin Brook.

2. Contract-Agreement No. WM98-061-X12A, with Fay, Spofford & Thorndike, LLC, for Construction Inspection Services – Holden/West Boylston Sewer Program, did not arrive in time for today's Commission, the Commission VOTED: to Hold Over the item.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Lenhardt, September 21, recommending the following on Contract No. P00-2046-C1A, with B & E Construction Corporation, for Repairs of Wood's Memorial Bridge Deck, Everett/Medford –
(a) That work be accepted as completed as of July 31, 2001.
(b) That Estimate No. 8 (Final), in the amount of $456.00, be approved for payment.
(c) That reserve, in the amount of $6,622.64, be approved for payment.
(Basis of Award - $217,245.00)

(Amount to Date - $323,382.13)
(Contract Performance Rating – 4.00)
(EEO Compliance – 4.17)
The Commission VOTED: that the work of B & E Construction Corporation, Contractor under Contract No. P00-2046-C1A, be and hereby is accepted as completed as of July 31, 2001.
The Commission further VOTED: to approve Estimate No. 8 (Final), in the amount of $456.00, for payment.
The Commission further VOTED: to approve release of reserve, in the amount of $6,622.64, for payment.

1. Report of Messrs. Faucher and Haider, August 16, recommending the following on Contract No. P00-2060-M1A, with Inner Space Services, Inc., for Services to Underwater Structure Systems at Various Flood Control/Navigational Sites –
(a) That work be accepted as completed as of July 31, 2001.
(b) That Estimate No. 7 (Final), in the amount of $26,994.25, be approved for payment.
(c) That reserve, in the amount of $5,432.73, be approved for payment.
(Basis of Award - $90,975.90)
(Amount to Date - $108,654.62)
(Contract Performance Rating – 4.00)
(EEO Compliance – N/A)
The Commission VOTED: that the work of Inner Space Services, Inc., Contractor under Contract No. P00-2060-M1A, be and hereby is accepted as completed as of July 31, 2001.
The Commission further VOTED: to approve Estimate No. 7 (Final), in the amount of $26,994.25, for payment.
The Commission further VOTED: to approve release of reserve, in the amount of $5,432.73, for payment.

2. Report of Mr. Faucher and Mrs. Graves Jones, September 28, recommending approval of Extra Work Order No. 2 – to remove and relocate a traffic controller cabinet approximately 90 feet – at a cost of $7,500.00, on Contract No. P00-2032-M1A, with Coviello Electric and General Contracting Co., Inc, for Servicing Traffic Signal and Control Systems (Old Colony and Blue Hills Districts).
Funding from Account No. 2490-0017.
The Commission VOTED: to approve Extra Work Order No. 2, in the amount of $7,500.00.

3. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, September 24, requesting approval of Revisions in Quantities and ratification of the action of Deputy Commissioner Faucher resulting in Extra Work Order Nos. 12and 13, on Contract No. P95-1804-C1A, with McCourt Construction Company, for Dorchester Shores Beaches Restoration Program, as follows –

Revisions in Quantities

Item No. S-022-004	Beach Sand	$15,275.00
Item No. S-022-005	Materials Testing	$ 1,000.00
Item No. S-025-005	Granite Curb	$ 1,000.00
Item No. S-028-005	Picnic Table	$ 2,600.00
Item No. S-028-006	HP Picnic Table	$ 1,500.00
Item No. S-028-022	Removable Bollard	$ 3,000.00
		Total - $24,375.00

(At no increase in Contract cost as the revisions will offset by a surplus created by Alteration No. 2).

Extra Work Orders

Extra Work Order No. 12	Backless Benches	$12,760.48
Extra Work Order No. 13	Bituminous Concrete Berm	$ 5,793.78
		Total - $18,554.26

(At no increase in Contract cost as the Extra Work will be offset by a surplus created by Alteration No. 2)

The Commission V O T E D: to approve the Revisions in Quantities, in the amount of $24,375.00.

The Commission further V O T E D: to approve Extra Work Order No. 12, in the amount of $12,760.48.

The Commission further V O T E D: to approve Extra Work Order No. 13, in the amount of $5,793.78.

1. Report of Messrs. Faucher, Carrigan and MacLean, September 27, requesting ratification of the action of Deputy Commissioner Faucher in the amount of $37,987.50 of the total of $42,500.00 for *Item 004-010 and in the amount of $20,562.50 of the total of $23,750.00 for *Item No. 039-010 and the following revisions in quantities, on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District -

Item No. 003-020	**$ 6,000.00**
Reclaimed Pavement Borrow Materials for Sub-base Course	
***Item No. 004-010**	**$ 42,500.00**
Loam Borrow	
Item No. 006-010	**$ 5,000.00**
Catch Basins or Drop Inlets, Excluding Cost of Castings	
Item No. 006-040	**$ 1,500.00**
Frames, Grates and Cover	
Item No. 009-010	**$ 750.00**
Curbing or Edging, Removed & Disposed	
Item No. 011-010	**$ 6,256.25**
New Granite Edgestone, Type VA4 - 6"x18", Straight	
Item No. 012-010	**$ 1,400.00**
New Granite Edgestone, Type VA4 – 6"x18", Curved	
Item No. 015-010	**$ 10,000.00**
Pavement Trimming	

Item No. 016-010 Cement Concrete in Front of Edgestone	**$ 20,000.00**
Item No. 030-010 Reflectorized Pavement Markings (Thermoplastic) 12-inch	**$ 4,500.00**
Item No. 037-010 Reflectorized Drum with Flasher (Type A)	**$ 700.00**
***Item No. 039-010** Fine Grading and Compacting Subgrade Areas for Construction of Parking Lot Areas and New Sidewalks	**$ 23,750.00**

Total - $122,356.25

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 001-010 – Unclassified Excavation, 002-010 – Ledge Excavation, 003-010 – Gravel Borrow, 005-010 – Catch Basins and Manholes Adjusted to Grade, 008-010 – Utility Boxes Adjusted to Grade, 013-010 – Granite Corner Blocks, Removed and Reset, 017-010 – Cement Concrete in front and back of Edgestone, 020-010 – Pedestrian Ramps, 021-010 – Bituminous Concrete for Sidewalks, Driveways Patching, Small Parking Lots and Sport Courts, 023-010 – Bituminous Concrete Curb Type 2, 025-010 – Bales of Hay for Erosion Control, 026-010 – Sedimentation Fence for Erosion Control, 029-010 – Special Lighting Unit (Flashing Unit), 031-010 – Crushed Stone and 033-010 – 1 ½ inch Wide Painted Lines Requiring Layout of Pavement Markings).

Associate Commissioner Carr noted that the request for ratification of the action of Deputy Commissioner Faucher regarding Item No. 004-010 and Item No. 039-010 was not in compliance with Commission Policy. However, he stated, there were extenuating circumstances in this instance.

Associate Commissioner Carr then asked that the Division continue to make a good faith effort to comply with Commission Policy concerning the dollar limits of possible revisions, etc., that the Deputy Commissioner can approve prior to obtaining Commission ratification.

The Commission V O T E D: to ratify the action of Deputy Commissioner Faucher, in the amount of $37,987.50 of the total of $42,500.00 for *Item 004-010 and in the amount of $20,562.50 of the total of $23,750.00 for *Item No. 039-010, on Contract No. P00-2086-C1A.

The Commission further V O T E D: to approve the Revisions in Quantities, in the amount of $122,356.25, as requested by Messrs. Faucher, Carrigan and MacLean in their report of September 27, 2001.

1. Report of Messrs. Faucher, Carrigan and MacLean, September 24, recommending approval of the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 7 - sawcutting 325' of concrete median barrier on Nahant Beach Parkway. The top 8" of the barrier will be removed, and the sawcut surface will be treated with a protective epoxy coating – at a cost of $18,955.86, on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District –

(At no increase in contract cost as the Extra Work will be offset by unused quantities in Item Nos. 023-010 – Bituminous Concrete Curb, 033-020 – 2 inch Painted Lines, 035-010 – Line Painting for Sports Courts, 040-010 – Remove Trees Smaller than Seven Inches, 040-020 –

Remove Trees Greater than Seven Inches, 041-010 – Remove Tree Stumps and 043-010 – Cement Concrete Sidewalks 4" Thick).
The Commission V O T E D: to approve action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 7, on Contract No. P00-2086-C1A.
The Commission further V O T E D: to approve Extra work Order No. 7, in the amount of $18,955.86.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Pula, September 25, on proposals for the purchase of forest products located on the Quabbin Reservoir, Wachusett Reservoir and Ware River Watersheds.
The Commission V O T E D: Delete from Agenda.

2. Report of Mr. McGinn, September 27, submitting for approval and signature Quabbin Park Cemetery Deed No. Q-1741, conveying Lot No. 973, to Phyllis J. Rojko.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1741, dated October 4, 2001, which was signed by the Commissioner and four Associate Commissioners.

3. Report of Mr. McGinn, September 27, submitting for approval and signature Quabbin Park Cemetery Deed No. Q-1742, conveying Lot. No. S 1/2 975, to Anthony W. Chrabascz.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1742, dated October 4, 2001, which was signed by the Commissioner and four Associate Commissioners.

4. Report of Mr. McGinn, September 27, submitting for approval and signature Quabbin Park Cemetery Deed No. Q-1743, conveying Lot No. 1306, to John T. Blackmer.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1743, dated October 4, 2001, which was signed by the Commissioner and four Associate Commissioners.

5. Report of Messrs. McGinn and Church, September 24, recommending the following on Contract No. WM02-078-S1A, with BioDiversity Research Institute, for the Study of Common Loon.
(a) That work be accepted as completed as of August 31, 2001.
(b) That Final Invoice, in the amount of $4,500.00, be approved for payment.
(Basis of Award - $4,500.00)
(Amount to Date - $4,500.00)
(Contract Performance Rating – 9 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of BioDiversity Research Institute, Contractor under Contract No. WM02-078-S1A, be and hereby is accepted as completed as of August 31, 2001.

The Commission further V O T E D: to Final Invoice, in the amount of $4,500.00, for payment.

1. Report of Messrs. McGinn and Kane, September 27, requesting approval of Contract No. WM02-064-X1A, for Furnishing and Installing Replacement Fencing Adjacent to the MDC's Wilson St., Maintenance Yard in Clinton.
(Messrs. McGinn and Kane request acceptance of the bid of Reliable Fence Co., Inc., of $7,900.00)
Account No. 2420-1400.
The Commission V O T E D: to approve Contract No. WM02-064-X1A, for Furnishing and Installing Replacement Fencing Adjacent to the MDC's Wilson St., Maintenance Yard in Clinton.
The Commission further V O T E D: to accept the bid of Reliable Fence Co., Inc., of $7,900.00, to perform the work.

Action was taken upon the following matter relating to the Office of General Counsel:

2. Report of Mr. Collette, September 26, recommending that the Commission accept the conveyance of a Conservation Easement over 0.024 acres in Newton from One Bridge Street, LLC in accordance with Chapter 92, Section 79 of the Massachusetts General Laws.
The Commission V O T E D: to accept the conveyance of a Conservation Easement over 0.024 acres in Newton from One Bridge Street, LLC in accordance with Chapter 92, Section 79 of the Massachusetts General Laws.

3. Report of Mr. Collette, September 26, recommending that the Commission accept the conveyance of a Conservation Easement over 0.66 acres in Watertown from Boston Scientific Corporation in accordance with Chapter 92, Section 79 of the Massachusetts General Laws.
The Commission V O T E D: to accept the conveyance of a Conservation Easement over 0.66 acres in Watertown from Boston Scientific Corporation in accordance with Chapter 92, Section 79 of the Massachusetts General Laws.

Adjourned 10:00 a.m., to meet on Thursday, October 11, 2001, at 9:00 a.m.

Secretary

Record of the Four Thousand and First (4001st) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 11, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on September 27, 2001, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract-Agreement No. WM98-061-X12A, dated October 11, 2001, with Fay, Spofford & Thorndike, LLC, for Construction Inspection Services – Holden/West Boylston Sewer Program.

2. Contract No. WM02-064-X1A with Reliable Fence Co., Inc., for Furnishing and Installing Replacement Fencing Adjacent to the MDC's Wilson St., Maintenance Yard in Clinton, did not arrive in time for execution at today's meeting. Therefore the Commission V O T E D: authorize Commissioner Balfour to execute the Contract on behalf of the Commission.

3. Contract No. P01-2124-C5A, dated October 11, 2001, with General Air Conditioning & Heating, Inc., for Installation of New Heating and Ventilating System at the Service Building of the Melnea Cass Pool, Roxbury.

The Secretary then submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

4. Amendment No. 8, dated October 11, 2001, for Task 24 - to Prepare Remedy Implementation Plan, Task 25 – to Provide Resident Engineer Inspection Services and Task 26 - to Prepare Activity and Use Limitation and Response Action Statement, on Contract No. P95-1786-D2A, with Camp Dresser and McKee, Inc., for Professional (L.S.P.) Services for Various MDC Facilities (Indian Line Farm).
Associate Commissioner Elkort did not participate in discussion or sign the Amendment.

Action was taken upon the following matter relating to the Engineering and Construction Division:

5. Report of Messrs. Faucher, Carrigan and MacLean, September 28, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P01-2101-C1A, for Rebuilding Catch Basins and Manholes in the Metropolitan District Commission Area.
Estimated Cost - $100,000.00.
Time for Performance – eight months.
Funding from Account No. 2440-0010
The Commission V OT E D: Approved.

The Commission further V O T E D: authorization to advertise Project NO. P01-2101-C1A for Rebuilding Catch Basins and Manholes in the Metropolitan District Commission Area.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Pula, September 25, on proposals for the purchase of forest products located on the Quabbin Reservoir, Wachusett Reservoir and Ware River Watersheds.

The Commission V O T E D: to accept the highest qualified bid, that of R. W. Rich & Sons, of $935.00; to purchase approximately 20 cords of fuelwood on Roadside Sale No. R6NQ – Quabbin Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of R.W. Rich & Sons, of $1,161.00; to purchase approximately 25 cords of fuelwood on Roadside Sale No. R7NQ – Quabbin Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of R. W. Rich & Sons, of $4,189.00; to purchase approximately 21,610 board feet of logs on Roadside Sale No. R8NQ – Quabbin Reservoir Watershed.

The Commission further V O T E D: to reject the only bid received, that of W. D. Cowls, Inc., of $9,684.50; to purchase approximately 139,956 board feet of timber, 114 cords of fuelwood and 345 tons of pulp on Timber lot Sale No. 3023 – Quabbin Reservoir Watershed, inasmuch as the bid price was below the MDC Forester's estimate of $15,000.00 for this lot.

The Commission further V O T E D: to accept the highest qualified bid, that of Bosse Logging of $5,700.00; to purchase approximately 46,351 board feet of timber, 118 cords of fuelwood and 51 tons of pulp on Timber Lot Sale No. 5174 – Wachusett Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Bosse Logging of $8,500.00; to purchase approximately 98,351 board feet of timber, 29 cords of fuelwood and 184 tons of pulp on Timber Lot Sale No. 5173 – Wachusett Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Harrington Hardwood, Inc., of $969.00; to purchase approximately 2,702 board feet of timber, 164 cords of fuelwood and 6 tons of pulp on Timber Lot Sale No. 5172 – Wachusett Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of New England Forest Products, of $4,999.99; to purchase approximately 48,247 board feet of timber, 138 cords of fuelwood and 46 cords of pulp on Timber Lot Sale No. 4305 –Ware River Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Viola Wetherby, of $1,525.00; to purchase approximately 14,738 board feet of timber and 222 cords of fuelwood on Timber Lot Sale No. 3021 – Quabbin Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Trowbridge Forest Products, of $36,000.00; to purchase approximately 282,755 board feet of timber, 44 cords of fuelwood and 399 tons of pulp on Timber Lot Sale No.2006 – Quabbin Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of New England Forest Products, of $37,777.77; to purchase approximately 273,959 board feet of timber, 30 cords of fuelwood and 355 tons of pulp on Timber Lot Sale No. 3011a – Quabbin Reservoir Watershed.

1. At this point, Associate Commissioner Carr asked if the Quabbin Watershed Reservation deer hunt will be held this fall.
Mr. Pula stated that a decision has not been made. However, he noted, a decision will be made sometime next week.

Action was taken upon the following Various Matters:

2. Report of Mr. Doak, October 4, requesting approval and authorization to advertise Project No. R02-0001-M1A, for Cleaning Drainage Ditches and Canals at Ponkapoag Golf Course, Canton.
Estimated Cost - $100,000.00.
Time for Performance –four to six weeks.
Funding from Account No. 2440-4420.
The Commission VOTED: Approved.
The Commission further VOTED: authorization to advertise Project No. R02-0001-M1A, for Cleaning Drainage Ditches and Canals at Ponkapoag Golf Course, Canton.
Associate Commissioner Elkort did not participate in discussion or vote on this matter:

3. Report of Mr. Brown, October 4, requesting approval of an Interdepartmental Service Agreement with the Human Resources Division to provide Services to undertake programs to increase the MDC's ability to recruit, hire and develop individuals with the best talent and skills by establishing the Commonwealth as a preferred place of employment.
Mr. Brown further requests authorization for Commissioner Balfour to execute the Interdepartmental Service Agreement on behalf of the Commission.
The Commission VOTED: to approve an Interdepartmental Service Agreement with the Human Resources Division to provide Services to undertake programs to increase the MDC's ability to recruit, hire and develop individuals with the best talent and skills by establishing the Commonwealth as a preferred place of employment.
The Commission further VOTED: authorization for Commissioner Balfour to execute the Interdepartmental Service Agreement on behalf of the Commission

Adjourned 9:50 a.m., to meet on Thursday, October 18, 2001, at 9:00 a.m.

William J.

Secretary

Record of the Four Thousand Second (4002nd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 18, 2001.

Present, Commissioner Balfour and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on October 4, 2001, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and three Associate Commissioners:

1. Amendment No. 1, dated October 18, 2001, to Contract-Agreement No. P94-1713-D1B, with Maguire Group, Inc., for Quincy Shore Drive and Wollaston Beach Shore Protection Rehabilitation

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Lenhardt, Griffin and Miss Peterson, October 11, recommending approval of Extra Work Order No. 4 – to install an inspection hatch and ladder – at a cost of $4,908.13, on Contract No. P93-1672-C4A, with N.E.L. Corporation, for Remedial Repairs to First Street Bridge, Cambridge.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 4, in the amount of $4,908.13.

3. Report of Messrs. Faucher, Lenhardt, Griffin and Mrs. O'Brien and Miss Peterson, October 10, recommending approval of Extra Work Order No. 1 – to remove and dispose of railroad tracks at Hallet St., Boston – at a cost of $3,776.42, on Contract No. PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton.
Funding from Account No. 2420-8961.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $3,776.42.

4. Report of Messrs. Faucher, Carrigan and MacLean, October 3, recommending approval of a revision in quantities on Item No. 055-010 – Furnish, Install, Repair or Replace Black Vinyl Clad Chain Link Fence 4' – 6" High – at a cost of $124.65 – on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guardrail and Fences, at Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 035-010 – Furnish and Install New SS Guardrail and Posts (Straight).
The Commission V O T E D: Approved.

5. Report of Messrs. Faucher, Carrigan and MacLean, October 12, recommending approval of the request of D & R General Contracting Company, Inc., to engage the services of Pro Cut as sub-contractor for sawcutting approximately 350 L.F. of Jersey Barrier on Nahant Causeway – at a cost of $11,050.00, on Contract No. P00-2086-C1A, for Repair/Replace Sidewalks MDC Various Locations.

The Commission V O T E D: Approved

1. Report of Messrs. Faucher, Misslin, Brooks, Kane and Martinez, October 15, on bids for Foundation for the Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus, Contract No. P02-2138-C1A.
(Messrs. Faucher, Misslin, Brooks, Kane and Martinez recommend acceptance of the lowest corrected bid received, that of E. A. Colangeli Construction Co., Inc., of $406,101.44).
Messrs. Faucher, Misslin, Brooks, Kane and Martinez further recommend execution of the Contract.
The Commission V O T E D: to accept the lowest corrected bid received, that of E. A. Colangeli Construction Co., Inc., of $406,101.44.
The Secretary then submitted for signature Contract No. P02-2138-C1A, dated October 18, 2001, with. E. A. Colangeli Construction Co., Inc., which was signed by the Commissioner and three Associate Commissioners

2. Report of Messrs. Faucher and Lenhardt, October 12, recommending approval of Extra Order No. 1 on Contract No.P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston, as follows -

EXTRA WORK ORDER NO. 1

Item No. 1 – Remove and Replace Concrete	$ 46,796.54
Item No. 2A – Hydroblast Concrete (1st Day)	$ 9,674.79
Item No. 2B - Hydroblast Concrete (2nd Day)	$ 7,802.25
Item No. 3 - Remove Rivet & Replace with Bolt	$ 93,423.75
Item No. 4 - Clean Girder Track & Paint	$ 14,216.52
Item No. 5 - Skim Cut Girder Track	$ 24,343.02
Item No. 6 - Replace Girder Track Support Angle	$ 11,188.40
Item No. 7 - Clean & Paint Support Angle	$ 5,428.70
Item No. 8 - Time & Materials (Misc. Work)	$ 7,126.03
	Total - $220,000.00

Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $220,000.00.

3. Report of Mrs.Overton Bussell and Messrs. Faucher Misslin, Brooks and Abounaja, October 1, recommending approval of Amendment No. 5, for conducting additional activities and investigations at the former Canton Airport, at a cost of $185,544.00, on Contract No. P00-2065-D1A, with GEI Consultants, Inc., for Licensed Site Professional (L.S.P.) Services For Various MDC Contaminated Sites.
Funding from Account No. 2440-7994.
The Commission V O T E D: Approved.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Kane, September 27, submitting for approval Work Schedule, Project Summary, Project Justification and authorization for the Division and the Contract Administrator to solicit proposals for performing inspection/ maintenance from engineering consultants for Project No. WM02-062-X1A, for Sudbury Reservoir – Spillway Inspection and Weep Hole Maintenance.
Estimated Cost – not-to-exceed - $12,000.00.
Time for Performance – estimated at eight weeks after issuance of notice to proceed.
Account No. 2420-8960.
The Commission VOTED: Approved.
The Commission further VOTED: authorization for the Division and the Contract Administrator to solicit proposals for performing inspection/maintenance from engineering consultants for Project No. WM02-062-X1A, for Sudbury Reservoir – Spillway Inspection and Weep Hole Maintenance.

Adjourned 9:50 a.m., to meet on Thursday, October 25, 2001, at 9:00 a.m.

Secretary

Record of the Four Thousand Third (4003rd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 25, 2001.

Present, Commissioner Balfour and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on October 11, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Lenhardt, October 15, recommending approval of the following on Contract No. P96-1819-C1A, with Boston Building & Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 & 25), Everett –

Revision in Quantities	
Item No. 004-030 - Concrete Substructure Repair	$144,000.00
Extra Work Order	
No. 6 – Replace Steel Diaphragms	$ 2,559.37
Total -	$146,559.37

Funds are available in Account No. 2490-2001.
The Commission V O T E D: to approve revision in quantities on Item No. 004-030, in the amount of $144,000.00.
The Commission further V O T E D: to approve Extra Work Order No. 6, in the amount of $2,559.37.

2. Report of Messrs. Faucher, Griffin and Trzcinski, October 17, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2136-C1A, for Repairs to Land Boulevard Bridge, Cambridge.
Estimated Cost - $300,000.00.
Time for Performance – twelve months.
Account No. 2490-0012.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2136-C1A, for Repairs to Land Boulevard Bridge, Cambridge.

3. Report of Messrs. Faucher, DiPietro and Galvin, October 15, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P00-2022-C1A, for Construction of Wastewater Discharge Systems' Modifications, General Edwards Bridge, Brookwood Farm and Breakheart Administration Building.
Estimated Cost - $200,000.00.
Time for Performance – six months.
Account No. 2440-4994.
The Commission V O T E D: Approved.

The Commission further V O T E D: authorization to advertise Project No. P00-2022-C1A, for Construction of Wastewater Discharge Systems' Modifications, General Edwards Bridge, Brookwood Farm and Breakheart Administration Building.

1. Report of Mr. Faucher and Mrs. Graves Jones, October 15, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P01-2132-M1A, for Installation of Reflectorized Pavement Markings on the Parkways and Roadways of the MDC.
Estimated Cost - $200,000.00.
Time for Performance – Twelve months.
Account No. 2490-0017.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P01-2132-M1A, for Installation of Reflectorized Pavement Markings on the Parkways and Roadways of the MDC.

2. Report of Mr. Faucher and Mrs. Graves Jones, October 15, recommending approval of revisions in quantities on Contract No. P00-2080-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC, as follows –

Item No. 005-010 – Reflectorized Line (Thermoplastic)	**$ 65.55**
Item No. 010-010 – Traffic Control Services	**$2,232.00**
	Total - $2,297.55

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 001-010 – Four Inch Reflectorized Line (Paint) and 006-010 – Reflectorized Pavement Symbols and Legends (Paint).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Misslin, Brooks and Balicki, October 18, recommending approval of an extension of time from September 19, 2001 to November 9, 2001, due to a change order for Item No. 878-201, B.8 – Furnish and Install Stainless Steel Cover, on Contract No. P00-2104-C1A, with R. Zoppo Corp., for Tidal Gates Repair, Blacks Creek/Greenberg Bridge, Quincy.
The Commission V O T E D: to approve an extension of time from September 19, 2001 to November 9, 2001, as recommended by Messrs. Faucher, Misslin, Brooks and Balicki in their report of October 18, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher, Misslin, Brooks and Balicki, October 18, requesting approval of an Extra Work Order and a Revision in Quantities on Contract No. P00-2104-C1A, with R. Zoppo Corp., for Tidal Gate Repairs, Blacks Creek/Greenberg Bridge, Quincy, as follows –

Extra Work Order

No. 1 – Remove and Dispose of Bird Debris	**$ 846.58**

Revision in Quantities

Item No. 1 – Heavy Duty Hinge Pins	**$7,500.00**

Funding from Account No. 2440-0501.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $846.58.
The Commission further V O T E D: to approve the Revision in Quantities on Item No. 1, in the amount of $7,500.00.

1. Report of Messrs. Faucher and DiPietro, October 19, requesting authorization of payment to the U.S. Army Corps of Engineers of $49,786.00, which is MDC's 25% share of a Judgement in favor of the Contractor on Tunnel Construction and $442,000.00 for anticipated work for the reconstruction of the Old Quincy Reservoir Dam for FY2002 on the Town Brook Flood Control Project – Contract No. P82-0A02-FED.
Funding from Account Nos. 2440-8884 and 2440-8950.
The Commission V O T E D: to authorize payment to the U.S. Army Corps of Engineers of $49,786.00, which is MDC's 25% share of a Judgement in favor of the Contractor on Tunnel Construction and $442,000.00 for anticipated work for the reconstruction of the Old Quincy Reservoir Dam for FY2002 on the Town Brook Flood Control Project – Contract No. P82-0A02-FED, as requested by Messrs. Faucher and DiPietro in their report of October 19, 2001.

Action was taken upon the following Various Matters:

2. Report of Messrs. Chisholm, Gray, Kelter and Jewett, October 18, submitting for approval Metropolitan District Commission Debt Collection Policy and Procedures.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Office of General Counsel:

3. Report of Mr. Gray, October 19, recommending that the Commission adopt an Order of Taking for acquisition of approximately 21.8 acres of land owned by Brian J. Dale and Patricia M. Dale, located in the Town of Shutesbury, Massachusetts, and to approve an award of damages in the amount of
$32,500, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 21.8 acres of land owned by Brian J. Dale and Patricia M. Dale, located in the Town of Shutesbury, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, October 25, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the

General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Shutesbury in the County of Franklin and Commonwealth of Massachusetts, namely:

A certain tract of land, lying on the southwesterly side of Locks Pond Road, the westerly side of New Boston Road, and upon both banks of a small tributary which is the northerly portion of the West Branch of the Swift River, more particularly bounded and described as follows:

Beginning at the southeasterly corner of the parcel being described herein, at or near the southerly end of a stone wall marking the westerly line of the town road known as New Boston Road, and at the northeasterly corner of land, formerly of Frank Mascaro, later of the Town of Shutesbury, and now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the 3rd parcel described in the order of taking dated August 8, 1991, recorded with Franklin Registry of Deeds on 08/23/1991, at Book 2561, Page 196);

Thence Northeasterly and northwesterly, about 525 feet, more or less, by and through the stone wall and by the westerly line of the road, to a point, at the angular intersection with the town road known as Locks Pond Road;

Thence Northwesterly and westerly, about 1670 feet, more or less, crossing the West Branch of the Swift River, by the southwesterly and southerly line of Locks Pond Road, to a point at an angle, at land, formerly of Frederick T. & Laura K. Lyman, now of the Commonwealth of Massachusetts, Metropolitan District Commission, as successor to the Metro. Distr. Water Supply Comm. (see deed dated 10th November 1936, recorded with said deeds on 11/20/1936 at Book 821, Page 42) ;

Thence Westerly, 590 feet, more or less, by the remains of a virginia rail fence and by land, formerly of Lyman, to a point, at the northwesterly corner of the tract being described herein;

Thence Southerly and southwesterly, 880 feet, more or less, by the remains of the virginia rail fence and by land, formerly of Lyman, to a point at the southwesterly corner of the tract being described herein;

Thence Southeasterly, easterly and northeasterly, 438 feet, more or less, by the remains of the split rail fence, and land formerly of Lyman, to a point in a pile of stones, at the northwesterly corner of land, formerly of Mascaro, later of the Town of Shutesbury and, now of the Commonwealth of Massachusetts;

Thence Northeasterly and easterly, 835 feet, more or less, by the remains of the virginia rail fence, and land formerly of the Town, re-crossing the West Branch of the Swift River and running to the first mentioned point at the southeasterly corner of the tract being described herein, in the westerly line of New Boston Road, being the point and place of beginning.

Containing 21.8 acres, more or less, as shown as Lot 9, land formerly of John Moran, upon a plan entitled "Commonwealth of Massachusetts, Metr. Distr. Water Supply Commission, Quabbin Reservoir Real Estate Survey, Sheet 526", dated 1938, which plan sheet is Accession Number 17061 and is on file, both at Quabbin Reservoir Headquarters, 485 Ware Road, Belchertown, MA, and at Commission Headquarters, in the Office of the Division of Watershed Management, located on the 8th floor at 20 Somerset Street, Boston MA.

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
Brian J. Dale Patricia M. Dale	± 21.8 acres, more or less

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being the same premises described in two deeds, the first from Harry H. Sadowski and Charles Valkavitch to Brian J. Dale and Patricia M. Dale, dated 15th April 1987 and recorded with the Franklin County Registry of Deeds at Book 2122, Page 93, and the second from Allan P. Deselets, a.k.a. Alan P. Deselets and Sandra R. Deselets, a.k.a. Sandra Deselets to Brian J. Dale and Patricia M. Dale, dated May 25, 2000 and recorded with said Deeds at Book 3630, Page 266.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises, except as provided below.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land, nor shall any part of the 21.8 acre parcel be subdivided.

4. No septic systems or leach fields shall be permitted, but the construction of a composting toilet or some other appropriate and comparable closed system with no discharge is expressly permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land, or for the permitted alterations provided for below.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted, except for the continuing use of the small open field area, for the organic cultivation of food for personal consumption.

8. No grazing or sheltering of livestock or animals shall be permitted.

No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted, nor shall the premises be leased, rented or permitted for dwelling to persons other than the owner(s).

No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

Notwithstanding the provisions set forth above, the owners may, if they so wish, increase the size of the existing 600 square foot camp building, or construct an adjacent storage building, or both, provided however that the total square-footage of building on this northwesterly portion of the property does not exceed 1200 square feet in total, and, if the owners should choose to repair or rebuild the structure on the easterly side of the property, it will not be used for residential purposes, but only as an accessory storage building.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns

or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same. By operation of this taking, the Commission expressly retains the right of first refusal to purchase the fee interest in the above described land, and such right shall run with the land.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Brian J. Dale and Patricia M. Dale	$ 32,500

The Commission further VOTED: to approve an award of damages in the amount of $32,500, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

Adjourned 9:40 a.m., to meet on Thursday, November 1, 2001, at 9:00 a.m.

Secretary

Record of the Four Thousand Fourth (4004th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, November 1, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Sheppard.

The Records of the Commission Meeting held on October 18, 2001, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and three Associate Commissioners:

1. Amendment No. 2, dated November 1, 2001, to Contract-Agreement No. P97-1987-D1A, with Parson, Brinckerhoff, Quade & Douglas, Inc., for Winthrop Shores Reservation Restoration

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, October 23, requesting that the Commission amend its vote of August 23, 2001, on Contract No. P95-1789-C3A, with Zenone, Inc., for Contaminated Site Cleanup at Various MDC Facilities by indicating that Extra Work Order No. 17 will be performed at no additional cost as the Extra Work will be offset by unused quantities in Item No. 001-002 – Remove and Dispose of 6,000 to 10,000 Gallon Underground Storage Tank and not Item No. 002-006 and 002-007 as stated in the Engineering report of July 31, 2001.
The Commission V O T E D: amend its vote of August 23, 2001, on Contract No. P95-1789-C3A, with Zenone, Inc., for Contaminated Site Cleanup at Various MDC Facilities by indicating that Extra Work Order No. 17 will be performed at no additional cost as the Extra Work will be offset by unused quantities in Item No. 001-002 – Remove and Dispose of 6,000 to 10,000 Gallon Underground Storage Tank and not Item No. 002-006 and 002-007 as stated in the Engineering report of July 31, 2001.

3. Report of Messrs. Faucher, Misslin, Brooks and Sodano, October 10, on bids for Pump Station Rehabilitation Work at Storrow Drive West Side Pump Station at Berkeley Street, Boston, Contract No. P01-2117-C2A.
(Messrs. Faucher, Misslin, Brooks and Sodano recommend acceptance of the lowest bid received, that of All Star Construction of $96,858.45).
The Commission V O T E D: to accept the lowest bid received, that of All Star Construction of $96,858.45

4. Report of Messrs. Faucher and Lenhardt, October 22, submitting for approval Work Schedule, Project Summary. Project Justification and requesting authorization to advertise Project No. P78-0639-C1A, for Remedial Repairs to Longfellow Bridge, Boston/Cambridge.
Estimated Cost - $4,300,000.00.
Time for Performance – Fourteen months.
Account No. 2490-2001.
The Commission V O T E D: Approved.

The Commission further V O T E D: authorization to advertise Project No. P78-0639-C1A, for Remedial Repairs to Longfellow Bridge, Boston/Cambridge.

1. Report of Messrs. Faucher, Misslin, Brooks and Sodano, October 23, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P01-2130-E1A, for Muffler Purchase for the Amelia Earheart Dam Facility.
Estimated Cost - $44,973.00.
Delivery Time – estimated at six to eight weeks.
Account No. 2440-8950.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P01-2130-E1A, for Muffler Purchase for the Amelia Earheart Dam Facility.

2. Report of Messrs. Faucher, Misslin, Brooks and Sodano, October 23, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P01-2130-C1A, for Muffler (s) Replacement at Amelia Earheart Dam.
Estimated Cost - $32,545.00.
Time for Performance – estimated at two weeks.
Account No. 2440-8950.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P01-2130-C1A, for Muffler (s) Replacement at Amelia Earheart Dam.

3. Report of Messrs. Faucher, Carrigan and MacLean, October 18, recommending approval of a revision in quantities on Item No. 054-010 – Furnish, Install, Repair or Replace Galvanized Steel Chain Link Fence (4' – 4'6") High – at a cost of $3,756.50 – on Contract No. P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 035-010 - Furnish and Install New SS Guard Rail and Posts (Straight).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher, Carrigan and MacLean, October 25, requesting that the Commission Amend its vote of August 23, 2001 on Contract No. P00-2086-C1A, with D & R General Contracting, for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District by changing source of funding for a revision in quantities for Item No. 027-010 – Traffic Control Services from Item No. 021-010 to Item Nos. 005-010, 006-020, 007-010, 010-010, 014-010, 019-010, 020-010, 034-010 and 036-010.
All other terms of the vote will remain the same.
The Commission V O T E D: to Amend its vote of August 23, 2001 on Contract No. P00-2086-C1A, with D & R General Contracting, for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District by changing source of funding for a revision in quantities for Item No. 027-010 – Traffic Control

Services from Item No. 021-010 to Item Nos. 005-010, 006-020, 007-010, 010-010, 014-010, 019-010, 020-010, 034-010 and 036-010. All other terms of the vote will remain the same.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Church, October 23, submitting for approval the Wachusett Watershed Land Management Plan for 2001 – 2002.
The Commission V O T E D: Held Over.

2. Report of Mr. McGinn, October 22, submitting for approval and signature Quabbin Park Cemetery Deed No. Q-1744, conveying Lot No. S ½ 813, to George and Lauretta King.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1744, conveying Lot No. S ½ 813, to George and Lauretta King, dated November 1, 2001, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following Various Matters:

3. Report of Mrs. Overton Bussell, October 29, requesting approval of Amendment No. 4 to the Memorandum of Agreement between the Boston Harbor Association and the Metropolitan District Commission regarding the Back to the Beaches Program, which provides additional funding in the sum of $10,000.00 for the continuation of the outreach and marketing activities associated with the Boston Harbor Beaches.
Funding available in Account No. 2440-8956.
The Commission V O T E D: Approved

4. Report of Mr. Jewett, October 29, on bid for Landscape Maintenance of Paul Revere Park, Charlestown, Contract No. PL00-070-M1A.
(Mr. Jewett recommends an increase of the authorized sum of $20,000.00 to $22,300.00.
Mr. Jewett further recommends acceptance of the only bid received, that of McNulty Landscaping, of $22,300.00).
The Commission V O T E D: to increase the authorized sum of $20,000.00 to $22,300.00, for Landscape Maintenance of Paul Revere Park, Charlestown, Contract No. PL00-070-M1A.
The Commission further V O T E D: to accept the only bid received, that of McNulty Landscaping, of $22,300.00.

5. Report of Mr. Jewett, October 26, on behalf of a Consultant Selection Committee requesting selection of PARE Engineering Corporation, for Underwater Engineering Inspection of Dams, Spillways and Ancillary Structures, Contract No. WM02-060-S1A.
Compensation – not-to-exceed $72,150.00 – costs shall be based on lump sum per diem basis.
Time for Performance – four months from Notice to Proceed.
Account No. 2420-8960.
Mr. Jewett further requests authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.

The Commission V O T E D: to approve selection of PARE Engineering Corporation, for Underwater Engineering Inspection of Dams, Spillways and Ancillary Structures, Contract No. WM02-060-S1A.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.

Adjourned 9:40 a.m., to meet on Thursday, November 8, 2001, at 9:00 a.m.

William F. Chisholm
Secretary

Record of the Four Thousand Fourth (4005th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, November 8, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on October 25, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, October 30, requesting approval of an extension of time from November 15, 2001 to May 30, 2002, to permit the consultant to oversee the completion of punch list items at Savin Hill/Malibu and Tenean Beaches, on Contract No. P95-1801-D1A, with Sasaki Associates, for Dorchester Shores Beaches Restoration Program.
(At no increase in Contract cost).
The Commission V O T E D: Approved.

2. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, October 30, requesting approval of an extension of time from November 20, 2001 through December 31, 2001, , to permit completion of the shade shelters and tennis court at Tenean Beach and also an extension of time from December 31, 2001 through May 30, 2002, for administrative purposes, to insure that punch list items are properly completed and the contractor's final payment and retainage can be processed for payment on Contract No. P95-1804-C1A,with McCourt Construction Company, for Dorchester Shores Beaches Restoration Program.
The Commission V O T E D: to approve an extension of time from November 20, 2001 through December 31, 2001, to permit completion of the shade shelters and tennis court at Tenean Beach and also an extension of time from December 31, 2001 through May 30, 2002, for administrative purposes, to insure that punch list items are properly completed and the contractor's final payment and retainage can be processed for payment on Contract No. P95-1804-C1A, as recommended by Mrs. Overton Bussell and Messrs. Faucher and Orfant in their report of October 30, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Mr. Faucher and Mrs. Pomorska, October 25, recommending approval of a revision in quantities on Item No. 010-010 – Traffic Signal Metal Base – at a cost of $1,960.00 – on Contract No. P00-2033-M1A, with Coviello Electric and General Contracting Co., for Servicing Traffic Signals and Control Systems in Middlesex Fells and Revere Beach Districts.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 018-010 – Traffic Signal Loop Detector Conductor).
The Commission V O T E D: Approved

4. Report of Messrs. Faucher, Carrigan and MacLean, October 31, recommending approval of revisions in quantities on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District, as follows

Item No. 001-010 Unclassified Excavation	**$17,306.05**
Item No. 003-020 Reclaimed Pavement Borrow Material for Sub-Base Course	**$ 3,890.00**
Item No. 021-010 Bituminous Concrete for Sidewalks, Driveways, Patching, Small Parking Lots and Sport Courts	**$26,460.00**
Item No. 024-010 Grading, Liming, Fertilizing and Seeding	**$ 3,327.50**
Item No. 030-010 Reflectorized Pavement Markings (Thermoplastic – 12")	**$ 4,320.00**
	Total - $55,303.55

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 004-010, 005-010, 006-010, 006-020, 006-040, 007-010, 010-010, 014-010, 015-010, 016-010, 019-010, 020-010, 022-010, 023-010, 034-010, 036-010, 036-020, 037-010 and 041-010).
The Commission V O T E D: Approved

1. Report of Messrs. Faucher, Sodano, Corsi and Mrs. O'Brien, October 30, requesting approval and authorization to advertise Project No. PL95-031-C1A, for Construction of Abigail Adams Park, Back River Reservation, Weymouth.
Engineers Estimate - $1,400,000.00.
Time for Performance – anticipated that construction will start in late winter 2002 and completed in nine months.
Account No. 2440-7958.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. PL95-031-C1A, for Construction of Abigail Adams Park, Back River Reservation, Weymouth.

2. Report of Messrs. Faucher, Carrigan an Machado, October 31, recommending approval of revisions in quantities on Contract No. P00-2085-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District, as follows –

Item No. 008-010 Bituminous Concrete Sidewalks, Driveways, Patching Small Parking Lots	**$ 2,275.00**
Item No. 018-010 Reflectorized Pavement Markings 12 Inch	**$ 5,948.40**
Item No. 019-010 Reflectorized Pavement Symbols and Legends	**$ 6,809.71**
	Total - $15,033.11

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 001-010 --Unclassified Excavation and 003-010 – Gravel Borrow).
The Commission V O T E D: Approved.

1. Report of Mrs. Overton Bussell and Messrs. Faucher, Misslin, Brooks and Abounaja, November 5, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to solicit proposals for Project No. P02-2147-C1A, for Emergency Fence and Decontamination Pad Construction at the Former Canton Airport, Canton.
Estimated Cost - $125,000.00.
Estimated Time for Performance – two months.
Account No. 2440-7994.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to solicit proposals for Project No. P02-2147-C1A, for Emergency Fence and Decontamination Pad Construction at the Former Canton Airport, Canton.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Church, October 23, submitting for approval the Wachusett Watershed Land Management Plan for 2001 – 2010.
The Commission V O T E D: Approved.

3. Report of Mr. McGinn, October 29, requesting approval of an extension of time from November 15, 2001 to July 12, 2002, due to delays in receiving pump station generators and delay in delivery of permission to enter forms from the Town of Holden, on Contract No. WM97-061-C3H, with C.J.P. & Sons Construction Co., Inc., for Fort Sumter/Center/Davis Hill – East.
The Commission V O T E D: to approve an extension of time from November 15, 2001 to July 12, 2002, as requested by Mr. McGinn in his report of October 29, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following matters relating to the Office of General Counsel:

4. Report of Ms. McLaughlin, November 5, recommending that the Commission adopt an Order of Taking for acquisition of approximately 5 acres of land owned by Paul J. Murphy, Elizabeth Murphy, Colleen Bernardo, Daniel D. Murphy, Margaret Murphy, and Francis Murphy, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $ 230,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 5 acres of land owned by Paul J. Murphy, Elizabeth Murphy, Colleen Bernardo, Daniel D. Murphy, Margaret Murphy, and Francis Murphy, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, November 8, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain tract or parcel of land, roughly triangular in shape, situated near the Village of Quinapoxet, in the said Town of Holden, lying on the northerly side of the road leading from Quinapoxet to Jefferson, known as Quinapoxet Street, bounded on the easterly side by lands which formerly comprised the main line of the Central Massachusetts Railroad, later the Central Massachusetts Division of the Boston & Maine Railroad, and bounded mostly on the westerly and northerly sides by a stream, variously known, sometimes called the Jefferson Branch of the Quinapoxet River, but now generally know as Asnebumskit Brook, more particularly bounded and described as follows:

Beginning at a point in the northerly line of the said town road, at the southwesterly corner of the parcel herein being described, at a southeasterly corner of the abutting parcel, formerly of the Jefferson Manufacturing Company, and, now or formerly, supposed to be of Marie T. Bengtson;

Thence Northeasterly, about 835 feet, more or less, by the northwesterly layout line of the Town of Holden 1980 Record Layout of Quinapoxet Street, (see the instrument of taking recorded with Worcester District Registry of Deeds at Book 8185, Page 332 and the accompanying survey plan, in 5 sheets, recorded as Plan 100 in Plan Book 506) to the point of intersection of the southwesterly line of the former railbed of the main line of the Central Massachusetts Railroad, later the Boston & Maine Railroad, with the northwesterly line of Quinapoxet Street;

Thence Northwesterly about 560 feet, more or less, by the southwesterly line of the old railroad bed, formerly of the Boston & Maine Railroad, later of Frederick W. Hiller, still later of Rosaire & Anna Marois, and now or formerly of the heirs of Charles W. Bomba (see the deed dated 14 November 1957 recorded with said Deeds at Book 3995, Page 346 on the 29th December 1958 and also the probate of the Estate of Charles W. Bomba Worcester County Probate No. 199801) to the point of intersection of the southerly bank of Asnebumskit Brook with the

line of the former railroad bed, said point being at the southeasterly corner of land, formerly of Augusta H. Niebuhr, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the 7th lot described in the MDC Water Division order of taking dated July 24, 1930, recorded with said Deeds at Book 2526, Page 168, and shown upon the accompanying survey plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission Water Division, Improvement of Wachusett Watershed, Land In Holden, Plan No. 238 of Land Takings, signed by William E. Foss, Director & Chief Engineer);

Thence Northwesterly, 400 feet, more or less, running by the southwesterly bank of Asnebumskit Brook, to a stone monument in the southwesterly line of a triangular parcel of land, formerly of the Central Massachusetts Railroad, and now or formerly, of the heirs of Charles W. Bomba, as referenced above;

Thence N. 82° 21' 58" W., 34.90 feet, by the line of the triangular lot, to a point at its westernmost corner, said point being also at a corner of land formerly of J. Stanley and Fred W. Holt, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see "Parcel 4" as described in the order of taking dated June 28, 1991, recorded with said Deeds at Book 13488, Page 197, and as shown upon the accompanying survey plan entitled "Holden [Worcester County] Mass. Land Taking Plan For Watershed Protection, dated June 17, 1991, prepared by Merrimack Engineering Services, Stephen E. Stapinski, R.L.S., which plan is on file with the Office of the General Counsel of the MDC at Commission Headquarters, located at 20 Somerset Street, Boston MA);

Thence N. 82° 21' 58" W., 92.38 feet, by "Parcel 4", to another stone monument in the bank of Asnebumskit Brook, at the northerly end of other land, formerly of Augusta H. Niebuhr, now of the Commonwealth of Massachusetts, MDC, (see the land described and shown as Lot No. 6 in the July 24, 1930 order of taking and upon the accompanying plan cited above);

Thence Southeasterly and southwesterly, about 1150 feet, more or less, running by the southeasterly bank of Asnebumskit Brook, to another stone monument, next to the remains of an elm tree, and near the course of an old canal running southwesterly from the channel of the Brook, and at land, supposed to be, now or formerly, of Marie T. Bengtson;

Thence Southwesterly, about 130 feet, more or less, partially by the line of the old canal, and by the easterly line of the land supposed to be of Marie T. Bengtson, to the

first mentioned point at the southwesterly corner of the parcel herein being described, being the point and place of beginning.

Containing 5 acres, more or less, by previous deed description.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Quinapoxet Street and/or Asnebumskit Brook, which may be held by the supposed owners as a result of their ownership of the above described premises, and being the same premises described in a deed from Christina O. Spring to Edward J. Murphy, dated 13th April 1922 and recorded with Worcester District Registry of Deeds at Book 2273, Page 363. (See also the treasurers deed of the Town of Holden, George C. Johnson, Treasured to Edward J. Murphy, dated 3rd April, 1934.)

Note: Edward J. Murphy died July 4, 1940 a resident of Chelmsford, Middlesex County MA. Helen L. Murphy a.k.a. Helena (Corcoran) Murphy, wife of the said Edward J. Murphy, died July 29, 1961, a resident of Somerville, Middlesex County) MA. Both died intestate and no probate proceedings were filed in either case.

See also Middlesex Probate No. 99P5581AD for the probate of the Estate of Edward J. Murphy, Jr., a.k.a. Edward Joseph Murphy, Jr., late of Watertown Middlesex County MA, son of Edward J. and Helen L. Murphy, who died June 28, 1987.

See also Suffolk Probate No. 99P-2973AD for the probate of the Estate of Daniel D. Murphy, a.k.a. Daniel Dominic Murphy, late of West Roxbury Suffolk County MA, son of Edward J. & Helen L. Murphy, who died March 25, 1984.

See also Middlesex Probate No. 93P01132E for the probate of the Estate of Francis X. Murphy, late of Somerville Middlesex County MA, son of Edward J. & Helen L. Murphy, who died February 27, 1984.

See also Middlesex Probate No. 93P0132E for the probate of the Estate of John V. Murphy, a.k.a. John Vincent Murphy, late of Somerville Middlesex County MA, son of Edward J. & Helen L. Murphy, who died December 31, 1992.

See also the deed from Margaret M. Murphy to Francis A. Murphy, of an undivided interest in the above described premises, dated 21st October 1998 and recorded with said Deeds at Book 20555, Page 142.

See also the December 29, 2000 affidavit of Paul J. Murphy, of Medford MA, the sole surviving child of Edward J. Murphy and Helen L. Murphy, and part owner of the above described premises, stating the present owners and the derivation of their titles to the above described premises, and the certified copies of the death certificates, filed for the above named deceased members of the Murphy Family, recorded herewith.

The above-described property is represented upon Holden Assessors Tax Map 89 as Parcel 17, and carries a street address of # 530 Quinapoxet Street upon town records.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Heirs of Edward J. Murphy et als Elizabeth K. Murphy Colleen T. Bernardo Daniel D. Murphy, Jr. Margaret W. Murphy Paul J. Murphy Francis A. Murphy	$ 230,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 230,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

1. Report of Mr. Collette, November 5, recommending that the Commission adopt an Order of Taking for acquisition of approximately 4.7 acres of land owned by Wesley R. Trow and G. Esther Trow, located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of $ 113,000, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 4.7 acres of land owned by Wesley R. Trow and G. Esther Trow, located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, November 8, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the northeasterly side of Sterling Road-Route 62, at its intersection with the southerly loop of a town way, known as Town Farm Road, more particularly bounded and described as follows:

Beginning at a Worcester County Highway bound found in the northwesterly line of Sterling Road-Route 62, at Station 22+45.18 of the 1925 Worcester County Highway Record Layout of Sterling Road-Route 62, said bound being located in the northwesterly line of the parcel being described herein, and marking the northwesterly terminus of a curve to the right having a radius of 1175.00' (said bound is within that portion of the parcel encumbered by a power line easement now or formerly, held by the New England Power Company, See Worcester District Registry of Deeds Book 4123, Page 380 and Plan 79 in Plan Book 261);

ThenceN. 43° 56' 00" W., 300.75 feet by the record layout of the highway, to another W.C.H. bound found at the beginning of a curve;

Thence Northwesterly, by the highway record layout, along the arc of a curve to the right, having a radius of 2375.00 feet, an arc distance of 190.65 feet, more or less, to a wooden stake set at a point, at or near the intersection of the southeasterly line of the supposed owner's driveway with the northeasterly line of the highway;

Thence N. 38° 49' 00" E., 178.46 feet, more or less, by other land, now or formerly, of the supposed owners listed below (land excluded from this order and its restrictions, and shown as "Unrestricted Area" upon "EXHIBIT A" a sketch plan

dated March 21, 2000, attached hereto and made a part hereof), and running to another wooden stake set at an angle in the line;

Thence N. 81° 16' 00" E., 198.20 feet, more or less, by the Unrestricted Area, to another wooden stake set at a corner;

Thence N. 10° 40' 00" E., 207.22 feet, more or less, by the Unrestricted Area, to a drill hole set in a stone wall marking what is or was the southwesterly line of a portion of the current or former town way known as Town Farm Road;

Thence S. 72° 33' 00" E., 153.11 feet, by the stone wall and Town Farm Road, to a point in a wall corner;

Thence S. 18° 19' 00" E., 190.26 feet, by the stone wall and Town Farm Road, to a point in an angular wall corner;

Thence S. 01° 02' 00" W., 108.52 feet, by the stone wall and Town Farm Road, to a point at an angle;

Thence S. 09° 49' 00" W., 67.83 feet, by the stone wall and Town Farm Road, to a point at another angle in the wall;

Thence S. 32° 14' 00" W., 343.21 feet, by the stone wall and Town Farm Road, to a point in a curve forming the northeasterly line of the aforesaid 1925 Worcester County Record Layout of Sterling Road-Route 62;

Thence Northwesterly, by the highway record layout, along the arc of a curve to the right, having a radius of 1175.00 feet, an arc distance of 28.60 feet, to the first mentioned W.C.H. bound at Station 22+45.18, being the point and place of beginning.

Containing 4.70 acres, more or less, shown as "Restricted Area ± 4.70 Acres" upon the sketch plan labeled "Exhibit A", which is appended hereto and made a part hereof, to be recorded herewith.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Wesley R. Trow G. Esther Trow	4.70 Acres, more or less

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being the southeasterly portion of the same premises described as the First Tract in a deed from Carl R. Jacobson and Lillian B. Jacobson to Wesley R. Trow and G. Esther Trow, dated 22nd November 1966 and recorded with the Worcester District Registry of Deeds in Book 4718, Page 261.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly

authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Wesley R. Trow G. Esther Trow	$113,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 113,000, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39, and 44A

1. Report of Mr. Gray, November 5, recommending that the Commission approve and execute a license agreement with The American Legion, Marsh Post No. 442, for the use of the land and the facility under the jurisdiction of the Commission known as Gerry's Landing, situated within the Charles River Reservation in the City of Cambridge, Massachusetts.
The Commission V O T E D: Approved.
The Secretary then submitted for signature license agreement, dated November 8, 2001, with The American Legion, Marsh Post No. 442, which was signed by the Commissioner and four Associate Commissioners.

Adjourned 9:40 a.m., to meet on Thursday, November 15, 2001, at 9:00 a.m.

Secretary

Record of the Four Thousand Sixth (4006th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, November 15, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Rollins and Sheppard.

The Records of the Commission Meeting held on November 1, 2001, were read and approved.

1. As the Amendment to Contract-Agreement No. P95-1801-D1A, with Sasaki Associates, for Dorchester Shores Beaches Restoration Program did not arrive in time for Commission execution, the Commission V O T E D: to authorize Commissioner Balfour to execute the Amendment on behalf of the Commission.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Misslin, Brooks and Balicki, November 8, recommending approval of an extension of time from November 9,2001 to December 15, 2001 on Contract No. P00-2104-C1A, with R. Zoppo Corp., for Tidal Gates Repair, Black Creek/Greenberg Bridge, Quincy.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from November 9,2001 to December 15, 2001, as recommended by Messrs. Faucher, Misslin, Brooks and Balicki in their report of November 8, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

3. Report of Mr. Faucher, November 6, requesting approval to solicit proposals for marine engineering services to evaluate the condition and repair options for the deteriorated M Street Beach Seawall in the Old Harbor Reservation, South Boston, Contract No. P02-2144-S1A.
Estimated Cost for Study – not to exceed $10,000.00.
Time for Performance – three months.
Account No. 2440-8956.
The Commission V O T E D: Approved

4. Report of Messrs. Faucher and Lenhardt, October 29, recommending approval of revisions in quantities on Contract No. P96-1819-C1A, with Boston Building and Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 and 25), Everett, as follows –
Item No. 004-070 – 4000 # Cement Concrete - **$22,750.00**
Item No. 007-020 – Bituminous Concrete - **$ 6,150.00**
Total - $28,900.00
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 002-110 --Special Duty Police).
The Commission V O T E D: Approved

1. Report of Messrs. Faucher, Lenhardt, Griffin and Miss Peterson, November 9, recommending approval of a revision in quantities on Item No. 2 – Structural Steel – Counterweight – at a cost of $5,677.32, on Contract No. P93-1672-C4A, with N.E.L. Corporation, for Remedial Repairs to First Street Bridge, Cambridge.
Funding from Account No. 2490-2001.
The Commission V O T E D: Approved.

2. Report of Mr. Faucher and Mrs. Graves Jones, October 26, recommending approval of a revision in quantities on Item No. 002-010 – Materials, Components and Parts – at a cost of $6,854.00, on Contract No. P00-2032-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts.
Funding from Account No. 2490-0017.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Soroka, October 17, recommending approval of revisions in quantities on Contract No. P99-1988-C1A, with MRP Site Development, Inc., for Santilli Circle Safety Improvements, Everett, as follows –

Item No. 864-040	– Pavement Legends Thermoplastic	- **$1,347.20**
Item No. 999-300	– Traffic Control Services	- **$5,000.00**
		Total - $6,347.20

(Pursuant to Project Financial Agreement between MDC and Developers Diversified Realty Corporation (DDRC) – DDRC has provided $6,347.20 to fund the revisions).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Soroka, November 7, recommending approval of an extension of time from November 15, 2001 to January 15, 2002, due to the need to remove contaminated soil at Santilli Circle, on Contract No. P99-1988-C1A, with MRP Site Development, Inc., for Santilli Circle Safety Improvements, Everett.
The Commission V O T E D: to approve an extension of time from November 15, 2001 to January 15, 2002, as recommended by Messrs. Faucher and Soroka, in their report of November 7, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

5. Report of Messrs. Faucher, Carrigan and MacLean, November 5, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2149-C1A, for Repair of Hole in Reinforced Concrete Deck over Mystic River, Mystic Valley Parkway, Medford.
Estimated Cost - $23,000.00.
Time for Performance – one month.
Account No. 2490-8881.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2149-C1A, for Repair of Hole in Reinforced Concrete Deck over Mystic River, Mystic Valley Parkway, Medford.

1. Report of Messrs. Faucher and Thurlow, November 6, requesting approval of Extra Work Claim No. 1 – for installation of an additional valve box, temporary fencing and temporary toilet facilities – at a cost of $6,867.98, on Contract No. P97-1870-C3A, with D & R General Contracting Co., Inc., for Construction of Artesani Playground.
Account No. 2440-8952.
The Commission V O T E D: to approve Extra Work Claim No. 1, in the amount of $6,867.98.

2. Report of Messrs. Faucher and Thurlow, November 6, requesting approval of Extra Work Claim No. 1 – for removal of unsuitable base material, installation of additional plywood to interior ceiling and installation of reinforcing concrete beam – at a cost of $13,417.78, on Contract No. P97-1871-C2B, with S. B. General Contracting Co., Inc., for Construction of Artesani Comfort Station.
Account No. 2440-9800.
The Commission V O T E D: to approve Extra Work Claim No. 1, in the amount of $13,417.78.

3. Report of Messrs. Faucher, Lenhardt, Griffin and Mrs. O'Brien and Miss Peterson, November 13, recommending approval of Extra Work Orders on Contract No. PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton, as follows –

Extra Work Order No. 2 Furnish and install approximately 100' of 6" erosion stone and filter fabric along bike path at station 59+00 +/- in the Neponset Marsh area. High tide is causing erosion.	**$1,762.90**
Extra Work Order No. 3 Repair a collapsed portion of stone retaining wall at station 112+00 +/-.	**$2,191.43**
Extra Work Order No. 4 Concrete walkway has been undermined by erosion at station 107+50 +/-. Secure earth foundation at walkway with flowable fill.	**$ 769.56**
Extra Work Order No. 5 Repair concrete retaining wall at station 113+00 +/- in order to secure earthen backfill and position a safety rail.	**$6,849.22**
Extra Work Order No. 6 Flounder Wharf area – demolish and dispose of existing deteriorated concrete cap; pour stepped footings to accommodate a 2' grade change in steel railing; install filter fabric and stone behind existing granite block wall.	**$3,248.03**
	Total - $14,821.14

Funding from Account No. 2420-8961.
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $1,762.90.
The Commission further V O T E D: to approve Extra Work Order No. 3, in the amount of $2,191.43.
The Commission further V O T E D: to approve Extra Work Order No. 4, in the amount of $769.56.

The Commission further V O T E D: to approve Extra Work Order No. 5, in the amount of $6,49.22.
The Commission further V O T E D: to approve Extra Work Order No. 6, in the amount of $3,248.03.

1. Report of Messrs. Faucher, Griffin and Gode-von Aesch, November 9, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2145-C1A, for Armory Bridge Scour Repair, Medford.
Estimated Cost - $90,000.00.
Time for Performance – six months.
Account No. 2490-2001.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2145-C1A, for Armory Bridge Scour Repair, Medford.

2. Report of Messrs. Faucher, Carrigan and MacLean, November 14, recommending rejection of the bid of R. Zoppo Corp., the low bidder with a bid of $192,800.00, on Project No. P01-2101-C1A, Rebuilding of Catch Basins and Manholes in the Metropolitan Area, as it was $142,800.00 over the engineer's estimate.
Messrs. Faucher, Carrigan and MacLean further request authorization to readvertise the work as Project No. P01-2101-C2A.
The Commission V O T E D: to reject the bid of R. Zoppo Corp., the low bidder in the amount of $192,800.00, on Project No. P01-2101-C1A, as recommended by Messrs. Faucher, Carrigan and MacLean in their report of November 14, 2001.
The Commission further V O T E D: authorization to readvertise the work as Project No. P01-2101-C2A

3. Report of Messrs. Faucher, Misslin, Brooks and Balicki, November 9, requesting approval to readvertise project for New Furnace and Boiler, Quincy Homestead, Quincy, as Contract No. P99-2029-C2A – as no bids were received on the due date of October 17, 2001.
Engineers Estimate - $25,000.00.
Time for Performance – ten weeks.
Funding from Account No. 2440-0010.
The Commission V O T E D: to readvertise project for New Furnace and Boiler, Quincy Homestead, Quincy, as Contract No. P99-2029-C2A, as requested by Messrs. Faucher, Misslin, Brooks and Balicki in their report of November 9, 2001.

Action was taken upon the following matters relating to the Watershed Management Division:

4. Report of Messrs. McGinn and Kane, September 30, requesting approval and execution of Amendment No. 6 to Contract No. WM96-011-S1A, with GEI Consultants, Inc., for Follow-Up Investigation, Winsor Dam, Ware/Belchertown, which provides for -
Task 1 – Design for Installation of Piezometer Instrumentation.
Task 2 – Design of repairs to the main spillway weir.
Task 3 – Design for repairs/replacement of Toe Area Drains.

Task 4 – Design services for Auxiliary Spillway Improvements.
Amendment No. 6 increases the cost of the Contract from $179,384.96 to $373,123.65 – (an increase of $193,738.69).
Funding from Account No. 2420-8960.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 6, dated November 15, 2001, to Contract No. WM96-011-S1A, with GEI Consultants, Inc., which was signed by the Commissioner and three Associate Commissioners.

1. Report of Messrs. Pula and McGinn, November 9, requesting that the Commission rescind its vote of October 11, 2001 awarding Timber Lot Sale No. 3011A to New England Forest Products for failure to comply with terms of the Permit and to award the lot to the second highest bidder, Hitchcock Timber Harvesting, with a bid of $36,855.00.
Messrs. Pula and McGinn further request that the Commission prohibit Gerald Gaumond, d/b/a, New England Forest Products from bidding on future timber sales and be prohibited from working on Commission lands after he completes two timber contracts on the Ware River Watershed.
The Commission V O T E D: to rescind its vote of October 11, 2001 awarding Timber Lot Sale No. 3001A to New England Forest Products for failure to comply with terms of the Permit.
The Commission further V O T E D: to award Timber Lot Sale No. 3011A to the second highest bidder, Hitchcock Timber Harvesting, with a bid of $36,855.00.
The Commission further V O T E D: to prohibit Gerald Gaumond, d/b/a, New England Forest Products from bidding on future timber sales and be prohibited from working on Commission lands after he completes two timber contracts on the Ware River Watershed, as requested by Messrs. Pula and McGinn in their report of November 9, 2001.

2. Report of Mr. McGinn, October 17, recommending award of Service Contract No. WM02-032-D1A, to Ducharme & Wheeler, Inc., in an amount not-to-exceed $19,905.00, for Design of Title 5 Septic System and Related Sanitary Facilities, Stillwater Farm Restoration Project.
Funding from Account No. 2420-8960.
The Commission V O T E D: to award Service Contract No. WM02-032-D1A, to Ducharme & Wheeler, Inc., in an amount not-to-exceed $19,905.00, for Design of Title 5 Septic System and Related Sanitary Facilities, Stillwater Farm Restoration Project.

3. Report of Mr. McGinn, November 2, requesting approval of Service Contract No. WM02-032-C1A, with Woodford Brothers, in an amount not-to-exceed $16,982.00, for Repair and Replacement of Foundation Sills, Stillwater Farm Restoration Project.
Funding from Account No. 2420-8960.
The Commission V O T E D: to approve Service Contract No. WM02-032-C1A, with Woodford Brothers, in an amount not-to-exceed $16,982.00, for Repair and Replacement of Foundation Sills, Stillwater Farm Restoration Project.

4. Report of Mr. McGinn, November 8, requesting approval of a Contract for Green Waste Recycling and Solid Waste Removal DWM Wachusett Properties (Boylston, West Boylston and Sterling) with New England Recycling, Inc., (Master Service Agreement #ST1J391).

Contract Cost - $20,500.00.
Time of Performance – from Notice to Proceed until December 31, 2001.
Funding from Account No. 2420-1400-JJ-J39.
The Commission V O T E D: Approved

Action was taken upon the following Various Matter:

1. Report of Mrs. O'Brien and Mr. Driscoll, November 6, requesting approval and execution of an Agreement for Maintenance Services with Burkhard Hotel Partners for a temporary access onto a 20-foot wide area of MDC parkland adjacent to Alewife Brook on Massachusetts Avenue, Arlington.
The Commission V O T E D: Approved.
The Secretary submitted for signature Agreement, dated November 15, 2001, with Burkhard Hotel Partners, for Maintenance Services which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matter relating to the Office of General Counsel:

2. Report of Messrs. Flynn and Gray, November 8, recommending approval and execution of an Amendment to the Permit Agreement with RM Blue Hills Incorporated, for the use, operation and maintenance of the land and facility under the jurisdiction of the Commission known as the Blue Hill Ski Area, situated within the Blue Hills Reservation in the Town of Canton, Massachusetts, for the 2001-2002 season.
The Commission V O T E D: Approved.
The Secretary submitted for signature Amendment, dated November 15, 2001, to the Permit Agreement with RM Blue Hills Incorporated, which was signed by the Commissioner and three Associate Commissioners.

Adjourned 9:45 a.m., to meet on Thursday, November 29, 2001, at 9:00 a.m.

Secretary

Record of the Four Thousand Seventh (4007th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, December 6, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on November 8, 2001, were read and approved.

The Secretary submitted for signature the following paper which was signed by the Acting Commissioner and three Associate Commissioners:

1. Contract No. P01-2117-C2A, with All Star Construction, for Pump Station Rehabilitation Work at Storrow Drive West Side Pump Station at Berkely Street, Boston.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Brooks, Misslin and Gabra, November 12, requesting approval of Extra Work Claim No. 1 – for cost of time and materials on Item Nos. 15700-01 (Dewatering and Diver Service), 15700-02 (Crane Rental) and 15700-04 (Pump Repair Allowance) – with an upset limit of $14,590.08 and an extension of time from August 6, 2001 to October 31, 2001, on Contract No. P01-2091-C1A, with D & C Construction Company, Inc., for Rehabilitation of Flood Control Pump at Charles River Dam, Charlestown.
(Account No. 2440-0010).
The Commission V O T E D: to approve Extra Work Claim No. 1, with an upset limit of $14,590.08.
The Commission further V O T E D: to approve an extension of time from August 6, 2001 to October 31, 2001, as requested by Messrs. Faucher, Brooks, Misslin and Gabra in their report of November 12, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

3. Report of Messrs. Faucher and Lenhardt, November 28, recommending approval of Extra Work Order No. 7 – for repair of beam webs at Bridge No. 20 – at a cost of $15,904.30, on Contract No. P96-1819-C1A, with Boston Building and Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 & 25), Everett.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 002-010 – Special Duty Police).
The Commission V O T E D: to approve Extra Work Order No. 7, in the amount of $15,904.

4. Report of Messrs. Faucher and Soroka, November 20, recommending approval of revisions in quantities on the following items on Contract No. P00-2034-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic
Signal and Control Systems, Charles River Basin Districts –

Item No. 002-020 – Maintenance for Traffic Control Devices	$1,000.00
Item No. 003-010 – Flasher Signal Knockdown Repair	$ 825.00

Item No. 003-020 – Traffic Signal Knockdown Repair	$2,800.00
Item No. 009-010 – Pedestrian Pushbutton and Signal	$ 420.00
Item No. 010-010 – Traffic Signal Metal Base Octagonal	$1,260.00
Item No. 014-010 – Traffic Signal TFF#18 Wire	$ 325.00
Item No. 020-010 – Traffic Control Services	$2,220.00
	Total - $8,850.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 006-010, 007-010, 007-020, 008-010, 008-020, 008-030, 011-010, 011-020, 015-015, 015-021, 017-010 and 018-010).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and Griffin, November 8, on bids for Repairs to Woods Memorial Bridge, Everett/Medford, Contract No. P02-2137-C1A.
(Messrs. Faucher and Griffin recommend acceptance of the lowest bid received, that of SPS New England, Inc., of $596,308.00).
The Commission V O T E D: to accept the lowest bid received, that of SPS New England, Inc., of $596,308.00.

2. Report of Messrs. Faucher, DiPietro and Galvin, November 27, on bids for Construction of Wastewater Discharge Systems Modifications, General Edwards Bridge in Lynn, Brookwood Farm in Canton and Breakheart Reservation Administration Building in Saugus, Contract No P00-2022-C1A.
(Messrs. Faucher, DiPietro and Galvin recommend acceptance of the lowest bid received, that of J. D'Amico, Inc., of $232,044.00).
The Commission V O T E D: to accept of the lowest bid received, that of J. D'Amico, Inc., of $232,044.00.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

3. Report of Messrs. Faucher and McCalla, November 15, recommending approval of a revision in quantities on Contract No. P00-2057-M1A, with Coviello Electric & General Contracting Co., Inc., for Electrical, Electronic and Sound System Maintenance at Sports Facilities, Recreation Areas and MDC Buildings throughout the Metropolitan District, as follows –
Item No. 6 – Material, Components, Parts and Equipment - $4,700.00
Account No. 2440-0010.
The Commission V O T E D: Approved.

4. Report of Mr. Faucher and Ms. Pomorska, November 2, recommending approval of a revision in quantities on Contract No. P00-2033-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems in Middlesex Fells and Revere Beach Districts, as follows –
Item No. 002-010 - Material, Components and Parts - $13,725.00
(At no increase in Contract cost as the revision will be offset by unused quantities in Item Nos. 003-010 – Flashing Traffic Control Device Repair and 005-010 – Hourly Rate for Vehicle Repair).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Misslin, Brooks and Sodano, December 3, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2148-C1A, for Window Replacement at Charles River Dam Facility.
Estimated Cost - $71,000.00.
Time for Performance – estimated at six weeks.
Account No. 2440-7993.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2148-C1A, for Window Replacement at Charles River Dam Facility.

2. Report of Messrs. Faucher and Machado, October 15, recommending the following on Contract No. P99-2019-C1A, with D'Allesandro Corporation, for Installation of Closure Gates at Various locations Throughout the Metropolitan Park System –
(a) That work be accepted as completed as of July 13, 2001.
(b) That Estimate No. 18 (Final), in the amount of $3,642.03, be approved for payment.
(c) That reserve, in the amount of $191.69, be approved for payment.
(Basis of Award - $491,251.06)
(Amount to Date - $497,687.67)
(Contract Performance Rating – 3.00)
(EEO Compliance – 3.20)
The Commission V O T E D: that the work of D'Allesandro Corporation, Contractor under Contract No. P99-2019-C1A, be and hereby is accepted as completed as of July 13, 2001.
The Commission further V O T E D: to approve Estimate No. 18 (Final), in the amount of $3,642.03, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $191.69, for payment.

3. Report of Messrs. Faucher, Misslin, Brooks and Balicki, November 26, requesting that the Commission amend its vote of October 5, 2000 regarding Contract for New Furnace and Boiler, Quincy Homestead, Quincy, by substituting Contract No. P99-2029-C1A for Contract No. P01-2099-C1A. This change is for administrative purposes and all other terms of the vote remain in force.
The Commission V O T E D: to Commission amend its vote of October 5, 2000 regarding Contract for New Furnace and Boiler, Quincy Homestead, Quincy, by substituting Contract No. P99-2029-C1A for Contract No. P01-2099-C1A. This change is for administrative purposes and all other terms of the vote remain in force.

4. Report of Messrs. Faucher, Misslin, Brooks and Balicki, November 2, recommending approval of the action of Deputy Commissioner Faucher resulting in Extra Work Order No. 2 – for design, extra concrete and re-bar – at a cost of $12,177.28, on Contract No. P00-2104-C1A, with R. Zoppo Corp., for Tidal Gate Repairs, Black Creek/Greenberg Bridge, Quincy.
Account No. 2440-0501.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 2 on Contract No. P00-2104-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount of $12,177.28.

1. Report of Messrs. Faucher, DiPietro and Galvin, December 3, submitting for approval Work Schedule, Project Justification, Project Summary and requesting authorization to advertise Project No. P94-1713-C1A, for Wollaston Beach Seawall Rehabilitation, Quincy.
Estimated Cost – estimated cost $4,400,000.00.
Time for Performance – estimated at two years.
Account No. 2440-7993.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P94-1713-C1A, for Wollaston Beach Seawall Rehabilitation, Quincy

2. Report of Mr. Faucher and Mrs. Graves Jones, November 26, recommending approval of revisions in quantities on Contract No. P00-2032-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts, as follows –

Item No. 002-020 – Maintenance for Traffic Control Devices -	$ 3,000.00
Item No. 003-020 – Traffic Signal Knockdown Repair -	$ 4,550.00
Item No. 010-010 – Traffic Signal Metal Base Octagonal -	$ 2,800.00
Total -	$10,350.00

(At no increase in Contract costs the revisions will be offset by unused quantities in Item Nos. 005-010, 007-010, 008-030, 011-010, 011-020, 015-009, 016-010, 018-010 and 020-010).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Misslin, Brooks and Martinez, December 3, recommending approval of the following on Contract No. P02-2138-C1A, with E. A, Colangeli Construction Co., Inc., for Foundation for the Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus –

1. Proposal for the masonry walls - $102,713.00 at the maintenance building from E. A. Colangeli Construction Co., Inc.	
Allowance carried in General Bid –	($50,000.00)
Additional bid cost required	$52,713.00
G.C.Bond	$ 922.47
Total Amount required for masonry bid -	**$53,635.47**
2. **Alteration No. 1** additional sleeves and sweeps for plumbing and electric pipes at visitors center.	**$ 1,366.37**
3. **Alteration No. 2** additional floor drains and pipes for the mechanical room at the visitors center.	**$ 786.99**

Total for Masonry Proposal and Alteration Nos. 1 and 2 - $55,788.83
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve the proposal from E. A. Colangeli Construction Co., Inc., in the amount of $53,635.47, for the additional bid cost for the masonry and G. C. bond, on Contract No. P02-2138-C1A.
The Commission further V O T E D: to approve Alteration No. 1, in the amount of $1,366.37.
The Commission further V O T E D: to approve Alteration No. 2, in the amount of $786.99.

1. Report of Messrs. Faucher, Misslin, Brooks and Martinez, December 3, on bids for Demolition and Replacement of the Roof at the Herter Center Building, Brighton.
Messrs. Faucher, Misslin, Brooks and Martinez recommend acceptance of the lowest bid received, that of KPR, Inc. of $94,000.00).
The Commission V O T E D: to accept the lowest bid received that of KPR, Inc., of $94, 000.00.

Action was taken upon the following matters relating to the Office of General Counsel:

2. Report of Mr. Collette, November 26, recommending that the Commission adopt an Order of Taking for acquisition of approximately 17.87 acres of land owned by John D. Rose and Catherine H. Rose, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of$90,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 17.87 acres of land owned by John D. Rose and Catherine H. Rose, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, December 6, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of rear land lying off of the southerly side of the Old Princeton Road (East), on the easterly side of Interstate 190, and partially flowed by the waters of Connolly Brook, more particularly bounded and described as follows:

Beginning at a concrete bound at the northwesterly corner of the parcel herein being described, said bound being located S. 29° 41’ 06” W., 453.26 feet from a drill hole found in the stone wall marking the southerly line of the Old Princeton Road (East), which bound marks the southwesterly corner of the abutting lot of land, now or formerly of John D. & Catherine T. Rose as described in a deed to them from Catherine N. Gargulinski, dated September 30, 1970, registered with the Worcester District Land Registration Office as Document # 26605 (Certificate # 26605), which abutting parcel is shown as Lot 1 upon a survey plan entitled “Plan

of Subdivision of L.C. Plan 6291-A, scale 1”+100’”, dated August 1970, prepared by Charles A. Perkins Co., Inc. Civil Engineers & Surveyors, Clinton, Mass., which plan was received for registration on June 16, 1971 and designated Plan 6291-B;

Thence S. 58° 40’ 44” E., 189.53 feet, by the southerly line of Lot 1 on L.C. Plan 6291-B, to a drill hole in a stone wall at land, formerly of Artin G. Aroian, now or formerly of Pandolf-Perkins Co., Inc. (see the deed recorded with Worcester District Registry of Deeds at Book 7840, Page 80);

Thence S. 27° 51’ 14” W., 72.94 feet, by the last cited abutter and the stone wall, to a point therein;

Thence S. 33° 30’ 31” W., 74.99 feet, by the stone wall, crossing Connolly Brook, and running to another drill hole found in an angular wall corner;

Thence S. 13° 18’ 43” E., 381.90 feet, re-crossing the brook, by the wall to a point at an angle therein near another drill hole found;

Thence S. 09° 42’ 41” W., 543.11 feet, by the stone wall, crossing and re-crossing the brook, and running to a point in the wall, near an iron rod found, at another angle therein;

Thence S. 40° 29’ 41” W., 367.53 feet, by the stone wall to a point therein near another iron rod found in a wall corner;

Thence N. 67° 39’ 19” W., 303.39 feet, by the stone wall, once again crossing Connolly Brook, and running to a point in another wall corner, near another iron rod found therein;

Thence S. 19° 57’ 41” W., 323.28 feet, by the stone wall, to a point at it’s terminus, near another iron rod found;

Thence S. 25° 32’ 41” W., 293.90 feet, to a point at the southeasterly corner of the parcel herein being described;

Thence N. 68° 19’ 19” W., 55.55 feet, to a point in the end of a stone wall, near another iron rod found, at the northeasterly corner of land, formerly of Harry Pandolf, now or formerly, of E.H.P. Realty Corp. (see the deed recorded with said Deeds at Book 18158, Page 111), the last eight courses being by land, now or formerly, of Pandolf-Perkins Co. Inc., as cited above;

Thence N. 54° 18’ 19” W., 209.90 feet, by land, now or formerly, of E.H.P. Realty Corp., and the stone wall, to a point therein, at land of the Commonwealth of Massachusetts, Department of Public Works, Interstate 190 (see Land Court Document #37507);

Thence N. 42° 40' 27" E., 454.90 feet, by I-190, to a point at an angle in the layout line thereof;

Thence N. 18° 08' 09" E., 390.16 feet, by I-190, to a point at a corner in the layout line thereof;

Thence N. 71° 51' 51" W., 45.00 feet, by I-190, to a point at another corner therein;

Thence N. 18° 08' 09" E., 165.35 feet, by I-190, to a point at an angle in the layout line thereof;

Thence N. 01° 03' 27" W., 387.88 feet, by I-190, to a point at a Massachusetts Highway Bound found, at an angle in the layout line thereof;

Thence N. 45° 22' 32" E., 430.36 feet, by other land, now or formerly, of the supposed owners listed below, shown as Lot # 1, upon the survey plan cited below, to the first mentioned concrete bound shown upon Land Court Plan 6291-B, being the first mentioned point at the northeasterly corner of the parcel herein being described, the point and place of beginning.

Containing 778,649 square feet or 17.87 acres as shown as "Remaining Land" upon a survey plan entitled "Plan Of Land In Sterling Massachusetts Prepared For John R. & Linda M. Roseberry 10 Old Princeton Road (East) Sterling, Massachusetts 01564", dated Dec. 13, 2000, prepared by Hannigan Engineering, Civil Engineers & Land Surveyors 8 Monument Square Leominster, Massachusetts 01453, which plan shall be submitted to the Worcester District Land Registration Office for registration as an approved Land Court subdivision plan.

ALSO, taken herein and hereby is a 40-foot wide access easement, from and to Old Princeton Road (East), across Lot # 1 as shown upon the above-cited plan, which is otherwise excluded from the provisions of this order and reserved to said supposed owners their heirs and successors, subject only to the access easement, as shown upon said plan, which access easement is described as follows:

Beginning at a point in a stone wall forming the northerly line of the discontinued portion of Old Princeton Road (East), said point being near an iron rod found therein, said starting point being located along the following two courses from the drill hole found in the stone wall at the northwesterly corner of the Lot #1 shown upon L.C. Plan 6291-B referenced above:

1) S. 17° 01' 19" E., 25.28 feet, by the road, across a gap in the stone wall, to a point at the westerly end of another wall segment;

2) S. 58° 57' 45" E., 86.10 feet, by the road and the wall, to the found drill hole starting place.

From the point in the stone wall near the iron rod found in the discontinued portion of the street, the following courses describe the access easement:

Thence S. 70° 32' 34" W., 181.98 feet, to a point of curvature;

Thence Southwesterly, along the arc of a curve to the left, having a radius of 105.00 feet, an arc distance of 88.18 feet, to a point of tangency;

Thence S. 22° 25' 35" W., 129.50 feet, to a point of curvature;

Thence Southeasterly, along the arc of a curve to the left, having a radius of 105.00 feet, an arc distance of 50.49 feet, to a point of tangency;

Thence S. 05° 07' 35" E., 294.24 feet, to a point in the line cited above as the final course in the description of the "Remaining Land" taken in fee herein and hereby;

Thence S. 45° 22' 32" W., 51.84 feet, to a point, said point being N. 45° 22' 32" E., 430.36 feet from the Massachusetts Highway Bound in the I-190 layout referenced above;

Thence N. 05° 07' 35" W., 308.72 feet, to a point;

Thence N. 67° 34' 25" W., 25.00 feet, to a point in the I-190 layout;

Thence N. 22° 25' 35" E., 277.70 feet, along I-190, to a point in the layout line thereof;

Thence N. 70° 32' 34" E., 254.19 feet, to a point in the stone wall forming the southerly line of the discontinued portion of Old Princeton Road (East);

Thence S. 08° 52' 19" E., 40.69 feet, along the stone wall and the discontinued road, to the point at the iron rod found being the point and place of beginning.

The area of this access easement has not been calculated.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the rear and larger portion of the remaining part, after takings for Interstate 190, of the same premises described in a deed from Catherine H. Rose to John D. Rose and Catherine H. Rose, dated December 1, 1997 and registered with the Land Court Office of the Worcester District Registry of Deeds as Document # 66958, which instrument was registered as Transfer Certificate No. 13588 in Registration Book 68, on April 1, 1998. See Plan #6291-A filed with Certificate No. 530.

The above-described property is represented upon Sterling Assessors Tax Map 14 as Parcel 48-4, and, upon Tax Map 48 as Parcel 3 and part of Parcel 2.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
John D. Rose and Catherine H. Rose	$ 90,000.00

The Commission further VOTED: to approve an award of damages in the amount of $90,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Collette, November 30, recommending that the Commission accept the conveyance of a Conservation and Public Access Easement over approximately 3.963 acres of land owned by Cabot Road Partners, LLC, located in the City of Medford, Massachusetts, and to execute the easement document accordingly.
The Commission VOTED: to accept the Conservation and Public Access Easement over approximately 3.963 acres of land owned by Cabot Road Partners, LLC, located in the City of Medford, Massachusetts.
The Secretary then submitted for signature Conservation and Public Access Easement, dated December 6, 2001, which was signed by the Commissioner and four Associate Commissioners.

2. Report of Mr. Gray, December 3, recommending that the Commission adopt an Order of Taking for acquisition of approximately 41.7 acres of land owned by Gordon R. Grant and Marjorie M. Grant, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $ 290,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission VOTED: to Commission adopt an Order of Taking for acquisition of approximately 41.7 acres of land owned by Gordon R. Grant and Marjorie M. Grant, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, December 6, 2001

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

Five certain adjoining tracts of land, situated in the easterly part of the said Town of Holden, on or off of the northerly side of the highway leading from Holden to West Boylston, known as Manning Street (see the Record Layout by Decree 2459 of the Commissioners of the Former County of Worcester, dated 9th March 1972, which instrument is recorded with Worcester District Registry of Deeds at Book 5204, Page 51 and the accompanying Plan H-4191-R, recorded therewith, as Plan 36 in Plan Book 361), more particularly bounded and described as follows:

Beginning at the southwesterly corner of the tract herein being described, at a point in the northerly line of the said highway, said point being almost in line with an extension of the southwesterly line of Springdale Road, and at the southeasterly corner of the abutting parcel, formerly of one I. Ball, and, now or formerly, supposed to be land of James E. & Hazel L. Welsh;

Thence N. 04° 00' E., 62 rods, more or less, or 1023 feet, more or less, partially by land, now or formerly, of the aforesaid J.E. & H. L. Welsh, and partially by other land, formerly of I. Ball, and late of David A. & Denise M.F. Dimarzio, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated 07/09/1998 and recorded with said Deeds at Book 20274, Page 281, and see also the cited recorded plan, Plan 71 in Plan Book 246) and running to a point in the southerly line of land, formerly of Joshua Fairbanks, formerly of Samuel Mason, later of Warren & Marion Bowen, and, now or formerly, supposed to be land of Thomas R. & Linda I. Reding;

Thence S. 81° 30' E., 3 rods and 22 links, more or less, or 64.02 feet, more or less, by land, now or formerly, supposed to be of T. R. & L. I. Reding, to a stone bound found at the southeasterly corner of this abutting parcel (see the plan recorded with said Deeds as Plan 80 in Plan Book 361);

Thence N. 05° 15' E. (by estimate), 66 ½ rods, more or less, or 1097.25 feet, more or less, partially by land of the last named abutters, and partially by land formerly of Samuel Brooks, late of the Estate of Antonio Doldo, and now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the

order of taking dated 07/09/1998 and recorded with said Deeds at Book 20274, Page 263) and running to a point at the northwesterly corner of Tract No. 1;

Thence N. 08° 15' E., 17 rods and 18 links, more or less, or 292.38 feet, more or less, by land, formerly of S. Brooks, later of A. Doldo, and now of the Commonwealth of Massachusetts, MDC, as cited above, to a pile of stones at the northwesterly corner of the assemblage being described herein;

Thence S. 80° 30' E., 52 rods and 20 links, more or less, or 871.2 feet, more or less, by land, formerly of A. Goodale's Heirs, later of A. Doldo, and now of the Commonwealth of Massachusetts, MDC, as cited above, to a point at a corner in which a white oak tree once stood, and at land, formerly of one Winter, late of Miriam H. Peckham Huntoon, and now or formerly, of Charles R. & Leslie D. Hicks (see the 1st parcel in the deed dated 06/17/1993 recorded with said Deeds at Book 15316, Page 80);

Thence S. 05° W., 19 rods and 10 links, more or less, or 320.1 feet, more or less, by the last named abutter, to the remains of a stake & stones, at a corner where an oak tree once stood;

Thence S. 59° E., 21 rods and 7 links, more or less, or 351.12 feet, more or less, by the last named abutters, to a point in another corner where an oak stump once stood, and land, formerly of Thomas Holmes and formerly of Holt & Pierce, now or formerly, other land of Charles R. & Leslie D. Hicks (see the deed recorded with said Deeds at Book 11157, Page 16);

Thence S. 11° 45' E., 18 rods, more or less, or 297 feet, more or less, by the last named abutters, to a pile of stones;

Thence S. 11° 30' E., 8 rods, more or less, or 132 feet, more or less, still by the last named abutters, to the remains of a stake & stones, at a corner;

Thence S. 78° W., 36 rods and 14 links, more or less, or 603.24 feet, more or less, partially by land, formerly of Oliver Fairbanks, now or formerly, supposed to be of Alex R. & Sylvia M. Sjoman, and partially by land, formerly of Sherman Richards, now or formerly, of George L. Dresser & Margaret M. McCandless (see the deed recorded with said Deeds at Book 10096, page 220) to a point in the north abutment of a stone wall;

Thence S. 05° 30' W., 27 ½ rods, more or less, or 453.75 feet, more or less, to a point at an angle in the wall;

Thence N. 87° W., 25 rods and 6 links, more or less, or 416.46 feet, more or less, to a point in a corner marked by a junction of walls;

Thence S. 03° E., 49 ½ rods and 10 links, more or less, or 823.35 feet, more or less, to a point in the northerly line of Manning Street, the last three courses being by land, now or formerly, of G.L. Dresser & M. M. McCandless;

Thence Westerly, 40 rods, more or less, or 660 feet, more or less, by the northerly line of Manning Street, to the first mentioned point, being the point and place of beginning.

Excluding from the above described premises, are the two parcels described below, the first parcel having been conveyed out from the locus by sale, and the second parcel, with the residence and outbuildings thereon to be retained by the supposed owners listed below, being a portion of the locus property otherwise described in this Order.

Exclusion Parcel No. 1

A parcel of 1.58 acres, more or less, located at #500 Manning Street, being the southwesterly corner of Tract No. 1, conveyed by Bradford F. Truesdale and Marjorie M. Truesdale to James V. Armstrong and Blanche Armstrong in a deed dated 05/09/1955 and recorded with said Deeds at Book 3677, Page 323, which parcel is supposed to be land, now or formerly, of Elizabeth Estabrook represented upon Holden Assessors Map 44 as Parcel 10 and described as follows:

Beginning at a point in the most southwesterly corner of Tract I, said point being in the northerly line of Manning Street, at land, formerly of I. Ball, now or formerly of James L. & Hazel L. Welsh;

Thence N. 04° 00' E., 368 feet, by land, formerly, of I. Ball, now or formerly, of Welsh, along the center line of a stone wall, to a point therein;

Thence Easterly, 188 feet, by land, formerly of Bradford F. Truesdale and Marjorie M. Truesdale, now or formerly, of Gordon R. Grant and Marjorie M. Truesdale Grant, to a point;

Thence S. 04° 00' W., 368 feet, by land, formerly of Truesdale, now or formerly, of Grant, to a point in the northerly line of Manning Street;

Thence Westerly, 188 feet, by the northerly line of Manning Street, to the point and place of beginning.

Exclusion Parcel No. 2

A parcel of 4.329 acres, more or less, located at #520 Manning Street, being the southeasterly corner of Tract No. 1, shown upon a survey plan which plan shall be recorded either prior or

subsequent to the recording of this Order, entitled "Plan of Land In Holden, Massachusetts Owned By Gordon R. and Marjorie M. Grant", dated November 30, 2001, prepared by Peter G. Knowles, P.L.S., of 89 Union Street, Barre, Massachusetts, a reduced copy of which plan is attached and Incorporated herein as Exhibit "A". This parcel is reserved to the supposed owners listed below, their heirs and assigns, and is described as follows:

Beginning at the southeasterly corner of the excluded parcel being described herein, at a stone bound with drill hole found in the northerly line of Manning Street, and at the southwesterly corner of the abutting land, now or formerly, of George L. Dresser & Margaret M. McCandless (see the deed recorded with said Deeds at Book 10096, Page 220);

Thence N. 79° 58' 17" W., 133.85 feet, by the northerly line of Manning Street to a point in the end of a stone wall;

Thence N. 77° 57' 36" W., 109.18 feet, by the line of the street and the stone wall, to a point therein;

Thence N. 82° 59' 02" W., 47.09 feet, by the line of the street and the stone wall, to an iron rod set at a point therein, said rod marking the southwesterly corner of said excluded & excepted parcel;

Thence N. 04° 47' 40" E., 392.70 feet, by that part of Tract No. 1 taken herein and hereby, to another iron rod set in a stone wall corner;

Thence N. 07° 52' 15" E., 276.44 feet, by the stone wall and the part of Tract No. 1 taken herein, to yet another iron rod set in another stone wall corner, to mark the northwesterly corner of this excluded & excepted parcel;

Thence S. 81° 43' 04" E., 260.53 feet, by the part of Tract No. 1 taken herein, and the stone wall, to another iron rod set in a stone wall corner, in the westerly line of the abutting land, now or formerly, of G.E. Dresser & M. M. McCandless;

Thence S. 03° 24' 22" W., 503.70 feet, by the last named abutters and the stone wall, to a point therein;

Thence S. 04° 17' 37" W., 180.00 feet, by the last named abutters, by and through the stone wall, to the stone bound with drill hole first mentioned, being the point and place of beginning.

The above described premises, minus the two excluded parcels, comprises an area of 41.7 acres, more or less.

Note that the description set forth above is simply the perimeter description of the five original tracts described in the current and prior deeds, with current abutters referenced.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Manning Street, which may be held by the supposed owners as a result of their ownership of the above described premises, and being most of the same premises described in a deed from Marjorie M. Truesdale Grant to Gordon R. Grant and Marjorie M. Grant, dated 10th November 1971 and recorded with Worcester District Registry of Deeds at Book 5174, Page 555.

The above-described property is represented upon Holden Assessors Tax Map 44 as Parcel 8 and most of Parcel 9, and upon Map 45 as Parcels 6, 7 and 8.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Gordon R. Grant and Marjorie M. Grant, and/or Martha J. Wolfe and John E. Truesdell as Trustees of The 520 Manning Street Realty Trust	$ 290,000

Commission further V O T E D: to approve an award of damages in the amount of $ 290,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs.O'Brien, December 3, recommending approval and execution of a Maintenance Agreement with Tudor Wharf Hotel LLC to provide maintenance services at Paul Revere Park. The approval is subject to the following two changes being incorporated into the Maintenance Agreement –

1. In paragraph 1a (page 2) which currently reads as follows: "Provide maintenance consistent with sound horticultural practice as referenced in Exhibit A, attached, the Landscaping Manual dated March 31, 1999…" should read: "Provide maintenance, consistent with sound horticultural practice as defined in Exhibit A, attached, the Manual for Landscape

Maintenance."

2. The Developer or its representative shall notify the MDC of the times the work is to be performed so the MDC can inspect and monitor the work as necessary.

The Commission V O T E D: Approved subject to the two changes being incorporated into the Maintenance Agreement, as outlined in Mrs. O'Brien's report dated December 3, 2001.
The Secretary then submitted for signature Maintenance Agreement, dated December 6, 2001, with Tudor Wharf Hotel LLC, to provide maintenance services at Paul Revere Park, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following Various Matters:

1. Report of Mrs. Overton Bussell, December 4, submitting for approval and execution Amendment to Contract-Agreement with Commonwealth Zoological Corporation, d/b/a Zoo New England (ZNE) – FY 2002, which allows the balance of the appropriation item, Item No. 2443-2000, passed by the Legislature in Chapter 177 of the Acts of 2001, the General Appropriation Act in the amount of $2,500,000.0 to be transferred to the ZNE. The Amendment is in the amount of $500,000.00 to bring the total amount transferred in FY 2002 to $2,500,000.00.
Funds available in Account No. 2443-2000.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated December 6, 2001, to Contract-Agreement with Commonwealth Zoological Corporation, d/b/a Zoo New England (ZNE) – FY 2002, which was signed by the Commissioner and four Associate Commissioners.

2. Report of Mr. Jewett, December 15, submitting for execution Contract Agreement No. PL01-068-D1A with the Bioengineering Group, Inc., for Alewife Reservation Master Plan, as approved by the Commission at its meeting of July 26, 2001.
Mr. Jewett further requests approval of an increase of $20,000.00 in the Contract compensation from $175,000.00 to $195,000.00.
Funding is available in Account No. 2448-0069.
The Commission V O T E D: to approve an increase of $20,000.00 in the Contract compensation from $175,000.00 to $195,000.00.
The Secretary then submitted for signature execution Contract Agreement No. PL01-068-D1A, dated December 6, 2001, with the Bioengineering Group, Inc., which was signed by the Commissioner and four Associate Commissioners.

Adjourned at 10:05 a.m., to meet on Thursday, December 13, 2001, at 9:00 a.m.

Secretary

Record of the Four Thousand Eighth (4008th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, December 13, 2001.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Carr, as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Carr and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on November 15, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and DiPietro and Mrs. Hong, December 5, recommending approval of an extension of time from December 31, 2001 to December 31, 2004, due to additional requirements imposed through MEPA process, on Contract No. P82-1120-D1A, with Sasaki Associates, Inc., for Drainage & Irrigation System Rehabilitation for Ponkapoag Golf Course.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

2. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, December 5, recommending approval of an extension of time from December 31, 2001 to June 30, 2002, to complete abatement work on Contract No. P00-2064-C1A, with SCS Environmental Services for Asbestos Abatement from Various MDC Facilities.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from December 31, 2001 to June 30, 2002, as recommended by Messrs. Faucher, Misslin, Brooks and Abounaja in their report of December 5, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Carrigan, November 26, recommending the following on Contract No. P01-2095-C1A, with SPS New England, Inc., for Replacement of Concrete Medium Barrier, Nahant Beach Parkway, Nahant –
(a) That work be accepted as completed as of July 13, 2001.
(b) That Estimate No. 13 (Final), in the amount of $17,685.20, be approved for payment.
(c) That reserve, in the amount of $930.80, be approved for payment.
(Basis of Award - $452,170.00)
(Amount to Date - $470,663.10)
(Contract Performance Rating – 4.20)
(EEO Compliance – 3.83)
The Commission V O T E D: that the work of SPS New England, Inc., Contractor under Contract No. P01-2095-C1A, be and hereby is accepted as completed as of July 13, 2001.

The Commission further V O T E D: to approve estimate No. 13 (Final), in the amount of $17,685.20, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $930.80, for payment.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Kane, August 30, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to solicit responses from engineering consultants, for Project No. WM02-061-X1A, on Preparation of Emergency Action Plans.
Estimated Cost - $25,000.00.
Time for Performance – seven months from Notice to Proceed.
Account No. 2420-8960.
The Commission V O T E D: Approved.
The Commission further V O T E D: requesting authorization to solicit responses from engineering consultants, for Project No. WM02-061-X1A, on Preparation of Emergency Action Plans.

2. Report of Messrs. McGinn and Baratta, November 7, requesting approval of a revision in quantities on Contract No. WM97-061-C3H (97-3H), with C.J.P. & Sons, Inc., for Fort Sumter/Center/Davis Hill – East Sewers, Holden – No. 5 – due to normal variations in field conditions - $64,744.00
Funding available in Account No. 2420-7961.
The Commission V O T E D: Approved.

Adjourned at 9:35 a.m., to meet on Thursday, December 20, 2001 at 9:00 a.m.

Secretary

Record of the Four Thousand Ninth (4009th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, December 20, 2001.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on December 6, 2001, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and three Associate Commissioners:

1. Amendment, dated December 20, 2001, to Contract-Agreement No. P82-1120-D1A, with Sasaki Associates, Inc., for Drainage & Irrigation System Rehabilitation for Ponkapoag Golf Course, Canton.

The Secretary submitted for signature the following papers which were signed the Commissioner and four Associate Commissioners:

2. Contract No. P02-2135-C1A, dated December 20, 2001, with KPR, Inc., for Demolition and Replacement of the Roof at the Herter Center Building, Brighton.

3. Contract No. P02-2137-C1A, dated December 20, 2001,with SPS New England, Inc., for Repairs to Woods Memorial Bridge, Everett/Medford.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, December 3, recommending ratification and approval of the action of Deputy Commissioner Faucher resulting in a revision in quantities on Item No. 002-002 – Furnish and Install 2000 Gal. Underground Heating Oil Fuel Tank – at a cost of $31,000.00, on Contract No. P95-1789-C3A, with Zenone, Inc., for Contaminated Site Cleanup at Various MDC Facilities.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 001-002 – Remove and Dispose of 6000 to 10,000 Gallon U.S.T.).
Associate Commissioner Carr noted that the request for ratification and approval of the revision in quantities was over the dollar limit, set by Commission vote, that the Deputy Commissioner is authorized to approve.
He then stated that he felt there were some extenuating circumstances leading to the action. However, he stated, more detail should have been provided in the memo to the Commission requesting approval and ratification.
Associate Commissioner Carr then noted that the request for ratification and approval was signed by five individuals, who were involved in the project, and therefore, he was accepting the recommendation.
The Commission VOTED: to ratify and approve the action of Deputy Commissioner Faucher which resulted in a revision in quantities on Item No. 002-002, on Contract No. P95-1789-C3A.

The Commission further V O T E D: to approve the revision in quantities on Item No. 002-002 – Furnish and Install 2000 Gal. Underground Heating Oil Fuel Tank, in the amount of $31,000.00.

1. Report of Messrs. Faucher and Soroka, November 30, requesting that the Commission Amend its vote of August 2, 2001, on Contract No. P93-1698-D1A, with Vollmer Associates, LLP, for Rehabilitation of Nahant Beach Reservation, by changing Account No. 2440-7991 to Account No. 2490-0017.
The Commission V O T E D: to Amend its vote of August 2, 2001, on Contract No. P93-1698-D1A, with Vollmer Associates, LLP, for Rehabilitation of Nahant Beach Reservation, by changing Account No. 2440-7991 to Account No. 2490-0017

2. Report of Messrs. Faucher and Thurlow, December 11, requesting approval and execution of an Amendment for an extension of time from December 31, 2001 to July 15, 2002, to permit constituent involvement in the design phase of the project by way of public meetings, on Contract No. P00-2055-D1A, with Copley/Wolf – Joint Venture – for Study and Design of Playgrounds at the South West Corridor Park.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature an Amendment, dated December 20, 2001, on Contract No. P00-2055-D1A, with Copley/Wolf – Joint Venture, which was signed by the Commissioner and four Associate Commissioners.

3. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, December 11, requesting ratification and approval of the action of Deputy Commissioner Faucher resulting in Revisions in Quantities and an Alteration on Contract No. P95-1804-C1A, with McCourt Construction Company, for Dorchester Shores Beaches Restoration Program, as follows –

Revisions in Quantities

Item No. S-028-011 – Metal Handrail	$ 600.00
Item No. T-029-003 – Deciduous Tree 3 – 3.5" Caliper	$ 1,200.00

Alteration

Alteration No. 4 A change in the roofing material of the eleven shade shelters from asphalt shingles to a synthetic slate	$13,592.47

Total - $15,392.47

(At no increase in Contract cost as the Revisions and Alteration will be offset by a Surplus in Alteration No. 2).
The Commission V O T E D: to ratify and approve the action of Deputy Commissioner Faucher which resulted in Revisions in Quantities and Alteration No. 4, on Contract No. P95-1804-C1A.
The Commission further V O T E D: to approve the Revisions in Quantities on Item Nos. S-028-011 and T-029-003, in the amount of $1,800.00.
The Commission further V O T E D: to approve Alteration No. 4, in the amount of $13,592.47.

1. Report of Messrs. Faucher and Soroka, November 27, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2142-M1A, for Servicing Traffic Signal and Control Systems, Charles River Basin Districts.
Estimated Cost - $512,000.00.
Time for Performance – twenty four months.
Funding from Account Nos. 2490-0017 and 2444-9001.
Funding for Fiscal Years other than current year is contingent upon sufficient funds being made available through annual budgetary appropriation.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2142-M1A, for Servicing Traffic Signal and Control Systems, Charles River Basin Districts.

2. Report of Messrs. Faucher and McCalla, December 13, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2139-M1A, for Maintenance of Street Lighting Systems on MDC Parkways.
Estimated Cost - $612,850.00
Time for Performance – twenty four months.
Funding from Account Nos. 2444-9001 and 2490-0017.
Funding for Fiscal Years other than current year is contingent upon sufficient funds being made available through annual budgetary appropriation.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2139-M1A, for Maintenance of Street Lighting Systems on MDC Parkways

3. Report of Mr. Faucher and Mrs. Graves Jones, November 27, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2141-M1A, for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts.
Estimated Cost - $533,000.00.
Time for Performance – twenty four months.
Funding from Account Nos. 2490-0017 and 2444-9001.
Funding for Fiscal Years other than current year is contingent upon sufficient funds being made available through annual budgetary appropriation.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2141-M1A, for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts.

4. Report of Messrs. Faucher, Misslin, Brooks and Gabra, December 14, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2143-M1A, for Regasketing of 4 Diesel Engines at Amelia Earhart and Charles River Dams.
Estimated Cost - $220,000.00.
Time for Performance – six months.
Account Nos. 2440-8950 and 2496-8967.
Funding for Fiscal Years other than current year is contingent upon sufficient funds being made available through annual budgetary appropriation.

The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2143-M1A, for Regasketing of 4 Diesel Engines at Amelia Earhart and Charles River Dams

1. Report of Mr. Faucher and Mrs. Pomorska, December 13, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2140-M1A, for Servicing Traffic Signal and Control Systems, Middlesex Fells & Revere Beach Districts.
Estimated Cost - $556,500.00.
Time for Performance – twenty four months.
Funding from Account Nos. 2490-0017 and 2444-9001.
Funding for Fiscal Years other than current year is contingent upon sufficient funds being made available through annual budgetary appropriation.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2140-M1A, for Servicing Traffic Signal and Control Systems, Middlesex Fells & Revere Beach Districts.

2. Report of Messrs. Faucher, Misslin, Brooks and Kane, December 13, requesting approval of an extension of time from November 1, 2001 to January 11, 2002, due to a need to clean clogged drains, on Contract No.P01-2115-C1A, with T. Cooney Co., for Renovation of the Allston – Brighton Wading Pool Bathrooms, Brighton.
The Commission V O T E D: to approve an extension of time from November 1, 2001 to January 11, 2002, as requested by Messrs. Faucher, Misslin, Brooks and Kane, in their report of December 13, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher, Misslin, Brooks and Kane, December 10, requesting approval of the action of Deputy Commissioner Faucher resulting in Extra Work Order No. 5 – to address hidden and unforeseen damage to existing plumbing and structural items that must be repaired – at a cost of $1,432.21, on Contract No. P01-2115-C1A, with T. Cooney Co., for Renovation of the Allston – Brighton Wading Pool Bathroom, Brighton.
Funding from Account No. 2440-0501.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 5 on Contract No. P01-2115-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 5, in the amount of $1,432.21

4. Report of Messrs. Faucher, Carrigan and MacLean, December 12, on bids for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area, Contract No. P01-2101-C2A.
(Messrs. Faucher, Carrigan and MacLean recommend acceptance of the lowest bid received, that of R. Zoppo Corp., of $136,300.00 and execution of the contract).
The Commission V O T E D: to accept the lowest bid received, that of R. Zoppo Corp., of $136,300.00.

The Secretary then submitted for signature Contract No. P01-2101-C2A, dated December 2, 2001, with R. Zoppo Corp., which was signed by the Commissioner and four Associate Commissioners.

1. Report of Messrs. Faucher, Carrigan and MacLean, December 11, requesting approval of revisions in quantities on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System, as follows –

Item No. 041-010 Remove, Dispose or Store Steel Guard Rail	$ 188.39
Item No. 048-010 Furnish and Install 2" x 8" Treated Wood Guard Rail on Back of Steel Posts	$ 270.90
Item No. 055-010 Furnish and Install, Repair or Replace Black Vinyl Clad Chain Link Fence 4' to 6' High	$1,828.20
	Total - $2,287.49

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 045-010, "Furnish and Install Treated 4" x 10" Wood Guard Rail on 8" x 8" Treated Wood Posts").
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Carrigan and MacLean, December 13, recommending ratification and approval of the action of Deputy Commissioner Faucher resulting in Extra Work Order No. 3 – for PVC privacy slats in the proposed 110' of 4' high black vinyl clad chain link fence at MDC skating rink in Everett – at a cost of $1,032.10, on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guardrail and Fences at Various Locations Throughout the MDC Park System.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 045-010, "Furnish and Install Treated 4" x 10" Wood Guard Rail on 8" x 8" Treated Wood Posts").
The Commission V O T E D: to ratify and approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 3 on Contract No. P00-2087-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 3, in the amount of $1,032.10.

3. Report of Messrs. Faucher and Kirwin, December 17, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2150-C1A, for Safety Improvements at -
Location 1 – Morton Street and West Selden Street, Boston
Location 2 – Morton Street and Evans Street, Boston
Location 3 – Morton Street and Norfolk Street, Boston
Estimated Cost - $840,000.00 – (All expenditures are to be charged to Mass Highway Dept. bond cap. Any costs over and above the $935,000.00 provided by the ISA shall be the responsibility of the MDC).
Account No. 2490-9917.

Time for Performance – six months for design and construction.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2150-C1A.

1. Report of Messrs. Faucher and Lenhardt, December 14, recommending approval of an extension of time from December 25, 2001 to June 30, 2002, due to the need to complete the substructure repair – increase in contract cost to be determined, on Contract No. P96-1819-C1A, with Boston Building & Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 & 25), Everett.
The Commission V O T E D: to approve an extension of time from December 25, 2001 to June 30, 2002, as recommended by Messrs. Faucher and Lenhardt, in their report of December 14, 2001.

2. Report of Messrs. Faucher and DiRamio, December 10, recommending the following on Contract No. P01-2100-C1A, with Precision Group, Inc., for Construction of a New Playground at the Shea Memorial Park, Quincy.
(a) That work be accepted as completed as of October 2, 2001.
(b) That Estimate No.3, (Final), in the amount of $532.00 be approved for payment.
(c) That reserve, in the amount of $1,663.00, be approved for payment.
(Basis of Award -$33,600.00).
(Amount to Date -$33,260.00
(Contract Performance Rating -3.33).
(EEO Compliance – 1.75).
The Commission V O T E D: that the work of Precision Group, Inc., Contractor under Contract No. P01-2100-C1A, be and hereby is accepted as completed as of October 2, 2001.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $532.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,663.00, for payment.

3. Report of Messrs. Faucher and Lenhardt, December 14, recommending approval of a revision in quantities on Item No. 012-010- Maintenance and Protection of Railroad Traffic –at a cost of $25, 000.00 on Contract No. P96-1819-C1A, with Boston Building and Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 and 25), Everett.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 002-110-Special Duty Police).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Lenhardt, December 17, recommending the following on Contact No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston -

1. Rescind the Commission vote of October 18, 2001 approving Extra Work Order No. 1 – for miscellaneous work on Item Nos. 1, 2a, 2b, 3, 4, 5, 6, 7 and 8 – for a total sum of $220,000.00.

2. Approve Extra Work Order No. 1A – for Item 1 – remove and replace flat track – at a total sum of $127,397.04 and Item No. 2 – replace rack angles – at a cost of $28,045.68 – for a total cost of $155,442.72.

Funds for Extra Work Order No. 1A will utilize $155,442.72 of the $220,000.00 available in Account No. 2490-2001 that was previously approved for Extra Work Order No. 1.
The Commission V O T E D: to Rescind its vote of October 18, 2001 approving Extra Work Order No.
1 – for miscellaneous work on Item Nos. 1, 2a, 2b, 3, 4, 5, 6, 7 and 8 – for a total sum of $220,000.00.
The Commission further V O T E D: to approve Extra Work Order No. 1A, for a total cost of $155,442.72.

1. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, December 19, requesting approval of an Amendment for an extension of time from December 30, 2001 to February 1, 2004, to allow time for the consultant to perform the additional work assigned by the Commission such as the assessment and environmental evaluation and remediation supervision at the former Canton Airport, on Contract No. P00-2065-D1A, with GEI Consultant, Inc., for Licensed Site Professional (L.S.P.) Services for Various MDC Contaminated Sites.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

2. Report of Messrs. Faucher, Misslin, Brooks and Balicki, December 14, on bids for New Furnace and Boiler, Quincy Homestead, Quincy, Contract No. P99-2029-C2A.
(Messrs. Faucher, Misslin, Brooks and Balicki recommend acceptance of the lowest bid received, that of Patrick J. Kennedy & Sons, Inc., of $33,230.00).
The Commission V O T E D: to accept the lowest bid received, that of Patrick J. Kennedy & Sons, Inc., of $33,230.00.

Action was taken upon the following matters relating to the Division of Watershed Management:

3. Report of Messrs. McGinn and Baratta, December 3, requesting approval of an extension of time from January 13, 2002 to July 31, 2002, due to delay in original award as well as additional work added to the project, on Contract No. WM98-061-C1A (97-4W), with J. A. Polito and Sons, Inc., for Sewer Construction – West Boylston, Bunker Hill/Meadowbrook East – Phase II.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from January 13, 2002 to July 31, 2002, as requested by Messrs. McGinn and Baratta in their report of December 3, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. McGinn and Zimmerman, November 8, requesting approval and execution of an Amendment for an extension of time from December 31, 2001 to June 30, 2002 on Contract No. WM97-094-X2R, with the Town of Boylston, for Development of a Master Plan.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated December 20, 2001, on Contract No. WM97-094-X2R, with the Town of Boylston, for Development of a Master Plan, which was signed by the Commissioner and four Associate Commissioners

2. Report of Messrs. McGinn and Kane, December 3, requesting approval and execution of Amendment No. 7, for an extension of time from December 31, 2001 to December 31, 2002, on Contract No. WM94-003-D1A, with Lichtenstein Consulting Engineers, for Remedial Design for Public Safety Considerations Beaman Street Bridge, West Boylston, in order to allow time for the construction of the bridge.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 7, dated December 20, 2001, on Contract No. WM94-003-D1A, with Lichtenstein Consulting Engineers, which was signed by the Commissioner and four Associate Commissioners.

3. Report of Messrs. McGinn and Baratta, November 15, requesting approval of an extension of time, a revision in quantities and an extra work order on Contract No. WM97-061-C1H (97-H), with Albanese Brothers, Inc., for Fort Sumter/Center/Davis Hill – East Sewers, Holden, as follows –
1. An extension of time from January 15, 2002 to September 30, 2002.
2. Revision in Quantity No. 3 - $71,000.00, due to normal variations encountered in the field and are necessary for ongoing sewer construction.
3. Extra Work Order No. 1 - $34,838.80, for relocating storm drains on Dorothy Avenue and Lovell Road and water mains on Duxbury Drive and Greenwood Parkway, Holden. Additional work to cut in service on Forest Hill Drive and Oregon Trail.
Funding available in Account No. 2420-4994.
The Commission V O T E D: to approve an extension of time from January 15, 2002 to September 30, 2002, as requested by Messrs. McGinn and Baratta in their report of November 15, 2001, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.
The Commission further V O T E D: to approve Revision in Quantity No. 3, in the amount of $71,000.00.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of $34,838.80.

4. Report of Messrs. McGinn and Baratta, November 27, submitting for approval the following items for the Final Phase of Sewer Construction in West Boylston, Contract No. WM00-061-C1W -
1. That the Commission rescind its vote of May 17, 2001 relative to language referring to West Boylston and Contract No. WM00-061-C1W.
2. That the Commission approve a Project Regulatory Agreement with the

Department of Environmental Protection and the Town of West Boylston to be effective as of May 1, 2000, and authorize Commissioner Balfour to execute the Agreement on behalf of the Commission.
3. That the Commission approve the Inter-Agency Service Agreement with the Massachusetts Water Pollution Abatement Trust, subject to final designation of accounts by the MDC Office of Finance and the State Comptroller and authorize Commissioner Balfour to execute the Agreement on behalf of the Commission upon completion of account designations.
The Commission V O T E D: to rescind its vote of May 17, 2001 relative to language referring to West Boylston and Contract No. WM00-061-C1W.
The Commission further V O T E D: to approve a Project Regulatory Agreement with the Department of Environmental Protection and the Town of West Boylston to be effective as of May 1, 2000, and authorize Commissioner Balfour to execute the Agreement on behalf of the Commission.
The Commission further V O T E D: to approve the Inter-Agency Service Agreement with the Massachusetts Water Pollution Abatement Trust, subject to final designation of accounts by the MDC Office of Finance and the State Comptroller and authorize Commissioner Balfour to execute the Agreement on behalf of the Commission upon completion of account designations.

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Ms. McLaughlin, December 13, recommending that the Commission adopt an Order of Taking for acquisition of approximately 14.58 acres of land owned by the Town of Holden, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $29,000.00, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 14.58 acres of land owned by the Town of Holden, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, December 20, 2001.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land known as the "Howe Lot" situated in the northernmost part of the said Town of Holden, lying along the southeasterly line of the Holden-Princeton Corporate Line and lying northerly of Poutwater Pond, more particularly bounded and described as follows:

Beginning at the northernmost corner of the parcel being described herein, at the remains of a stake and stones at a point in the Holden-Princeton Corporate Line, which point is 62 rods, or 1023 feet southwesterly, as measured along the Corporate Line, from the Holden-Sterling-Princeton Town Corner, and at land, now or formerly, of Ronald S. Thompson (see deed dated June 11, 1959 recorded with Worcester District Registry of Deeds at Book 4030, Page 483);

Thence S. 24° 30' E., 10 rods and 20 links, or 178.2 feet, more or less, to a point at an angular corner in the line;

Thence S. 40° 30' E., 5 rods and 6 links, or 86.46 feet, more or less, to the remains of a stake & stones, at a corner;

Thence S. 00° 15' E., 30 rods, or 495 feet, more or less, to the remains of a stake & stones at another corner;

Thence N. 87° 30' W., 11 rods and 6 links, or 185.46 feet, more or less, to the remains of a stake & stones at another angular corner;

Thence S. 37° 30' W., 14 rods, or 231 feet, more or less, to the remains of another stake with stones at another angular corner, being a corner of the "Buck Lot" (Parcel No. 1 described below), and of land, known as the "Richardson Lot", formerly of Davis Dairy, Inc., now of the Commonwealth of Massachusetts, Metropolitan District Commission (see order of taking dated June 2, 1994 recorded with said Deeds at Book 16405, Page 269), the last five courses being by land, now or formerly of R.S. Thompson;

Thence S. 84° 30' W., 66 rods and 7 links, or 1093.62 feet, more or less, by the "Buck Lot", to the remains of a stake and stones at a point in the Holden-Princeton Corporate Line, and at the southwesterly corner of the parcel being described herein;

Thence N. 57° 30' E., 92 rods, or 1518 feet, more or less, by the Corporate Line, to the first mentioned remains of a stake & stones at the northernmost corner of the parcel being described herein, and at land, now or formerly, of R.S. Thompson, being the point and place of beginning.

Containing 14 acres and 93 square rods, or 14.58 acres, more or less, by previous deed description.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in the deed from George C.

Johnson, Treasurer of the Town of Holden, to the Town of Holden, dated December 18, 1941 and recorded with Worcester District Registry of Deeds at Book 2842, Page 397 (see also the prior deed for the "Howe Lot", Franklin C. Hubbard, Collector of Taxes for the Town of Holden, from F. Lorene Oatway, dated August 29, 1939 and recorded with said Deeds at Book 2754, Page 1).

The above-described property is represented upon Holden Assessors Tax Map 1 as Parcel 2.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Town of Holden	$ 29,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 29,000.00, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

1. Report of Mr. Collette, December 17, recommending that the Commission accept the conveyance of a Conservation and Public Access Easement over approximately 23.5 acres of land owned by DDRC Gateway, LLC, located in the City of Everett, Massachusetts, and to execute the easement document accordingly.
The Commission V O T E D: Held Over.

Action was taken upon the following matters relating to the Office of Planning:

2. Report of Mrs. O'Brien and Ms. Garnett, December 13, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to solicit consultant services for Project No. PL-93-023-D3A, for Pope John Paul II Park, Phase II - Fishing Pier.
Estimated Cost - $100,000.00.
Estimated Time for Performance – eighteen months.
Account No. 2420-1420.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to solicit consultant services for Project No. PL-93-023-D3A, for Pope John Paul II Park, Phase II-Fishing Pier.

1. Report of Mrs. O'Brien, December 17, submitting for approval and execution an Amendment for an extension of time from December 31, 2001 to June 30, 2003, on Contract with Childs Engineering, Inc., for Lovejoy Wharf Design, New Charles River Basin.
(The Project was placed on hold pending approval of a Consent Order with the owners of Lovejoy Wharf by the Department of Environmental Protection).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated December 20, 2001, on Contract with Childs Engineering, Inc., for Lovejoy Wharf Design, New Charles River Basin, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following Various Matters:

2. Report of Mrs. Overton Bussell and Mr. Jewett, December 17, recommending approval and authorization for Commissioner Balfour to execute, on behalf of the Commission, an amendment to the Contract with ENSRC (formerly Fugro), for Update and MEP filing of the Ponkapoag Resource Management Plan, which calls for an extension of time from December 30, 2001 to July 30, 2002.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner Balfour to execute, on behalf of the Commission, an amendment to the Contract with ENSRC (formerly Fugro), for Update and MEP filing of the Ponkapoag Resource Management Plan, which calls for an extension of time from December 30, 2001 to July 30, 2002.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

3. Report of Mrs. Overton Bussell, December 18, requesting approval and execution of Amendment No. 2 to Contract Agreement between the MDC and Commonwealth Zoological Corporation, d/b/a Zoo New England, which allows the sum of $2,000,000.00 to be transferred to Zoo New England from Line Item No. 2443-2011, which is included in Chapter 177 of the Acts of 2001.
Account No. 2443-2011.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 2, dated December 20, 2001, to Contract Agreement between the MDC and Commonwealth Zoological Corporation, d/b/a Zoo New England, which was signed by the Commissioner and four Associate Commissioners.

Adjourned at 10:00 a.m., to meet on Thursday, January 10, 2002, at 9:00 a.m.

William J. Austin
Secretary

Record of the Four Thousand Eighth (4010th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, January 10, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on December 13, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Lenhardt, Griffin and Miss Peterson, December 27, recommending approval of Amendment No. 3, for an extension of time from March 1, 2002 to July 31, 2003, to provide construction phase services for the Beades Drawbridge and the Longfellow Bridge Projects, on Contract No. P99-1986-D1A with Gannett Fleming, Inc., for Professional Engineering Services for Bridges, Parkways and Other Commission Facilities.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, DiPietro and Galvin, December 31, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P00-2022-C2A, for Construction of Sewer Connections at Houghton's Pond Bathhouse, Milton.
Estimated Cost - $120,000.00.
Estimated Time for Performance – four months.
Funding from Account No. 2440-4994.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P00-2022-C2A, for Construction of Sewer Connections at Houghton's Pond Bathhouse, Milton.

3. Report of Messrs. Faucher, Misslin, Brooks and Haider, November 28, recommending the following on Contract No. P00-2082-S1A, with Leggette, Brashers & Graham, Inc., for Comprehensive Water Supply Study for the Blue Hill Ski Area –
(a) That work be accepted as completed as of October 31, 2001.
(b) That Estimate No. 2 (Final), in the amount of $4,500.00, be approved for payment.
(Basis of Award - $17,500.00)
(Amount to Date - $17,500.00)
(Contract Performance Rating – 9.00 with 10.00 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of Leggette, Brashers & Graham, Inc., Contractor under Contract No. P00-2082-S1A, be and hereby is accepted as completed as of October 31, 2001.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $4,500.00, for payment.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

4. Report of Messrs. Faucher and Soroka, January 3, recommending approval of an

extension of time from January 15, 2002 to April 30, 2002 for Milestone 10, due to need to remove contaminated material, on Contract No. P99-1988-C1A, with MRP Site Development, Inc., for Santilli Circle Safety Improvements, Everett.
The Commission V O T E D: to approve of an extension of time from January 15, 2002 to April 30, 2002, as recommended by Messrs. Faucher and Soroka in their report of January 3, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, December 11, requesting approval of Amendments 3 and 4, on Contract No. P97-1987-D1A, with Parsons, Brinkerhoff, Quade and Douglas, Inc., for Winthrop Shores Reservation Restoration, as follows –
Amendment No. 3 – for Draft and Final Environmental Impact Reports on Winthrop Shores Project at a cost of $180,000.00 and –
Amendment No. 4 – for additional Grain Size Determination and Compatibility Analysis of the Nantasket Beach Nourishment Site as well as Additional Studies at the Borrow Site to Determine if Sufficient Compatible Nourishment Material is Available at a cost of $14,216.00.
Funding for Amendment No. 3 from Account No. 2440-7993.
Funding for Amendment No. 4 from Account No. 2440-8956.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Misslin, Brooks and Martinez, December 4, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No.P02-2153-C1A, for Demolition of the Bernie King Pavilion, Nantasket Beach, Hull.
Estimated Cost - $50,000.00.
Time for Performance – two weeks.
Funding from Account No. 2440-8952.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P02-2153-C1A, for Demolition of the Bernie King Pavilion, Nantasket Beach, Hull.

3. Report of Messrs. Faucher and McCalla, December 18, recommending approval of revisions in quantities on Contract No. P00-2057-M1A, with Coviello Electric and General Contracting Co., Inc., for Electrical, Electronic and Sound System Maintenance at Sports Facilities, Recreation Areas and MDC Buildings Throughout the Metropolitan District, as follows –

Item No. 1 – Hourly Rate for Licensed Electrician	**$1,320.00**
Item No. 3 – Hourly Rate for Helper	**$ 840.00**
Item No. 4 – Hourly Rate for Vehicle	**$ 288.00**
Item No. 6 – Materials, Components, Parts & Equipment	**$4,908.20**
	Total - $7,356.20

Funding from Account No. 2440-0010.
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher, Carrigan and MacLean, December 20, on bids for Repair of Hole in Reinforced Concrete Deck over Mystic River, Mystic Valley Parkway, Medford, Contract No. P02-2149-C1A.

(Messrs. Faucher, Carrigan and MacLean recommend acceptance of the lowest bid received, that of NEL Corporation, of $32,580.00).
The Commission V O T E D: to accept the lowest bid received, that of NEL Corporation, of $32,580.00.

1. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, December 28, requesting approval of Extra Work Claim No. 1 – for a completed section of precast walkway, reinforcing steel, demolition and disposal costs and related expenses – at a cost of $36,182.72, on Contract No. P95-1804-C1A, with McCourt Construction Company, for Dorchester Shores Beaches Restoration Program.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. S-028-003 – Savin Hill Beach Mat).
The Commission V O T E D: to approve Extra Work Claim No. 1, at a cost of $36,182.72, on Contract No. P95-1804-C1A, with McCourt Construction Company, for Dorchester Shores Beaches Restoration Program

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Pula, January 4, on proposals for the tapping of sugar maple trees located on the Quabbin Reservoir Watershed.
Messrs. McGinn and Pula recommend the following –
Sugar Maple Lot #111 - Quabbin Reservoir Watershed in the Town of Belchertown, containing 453 sugar maple trees to be tapped with a total of 906 taps allowed.
Acceptance of the only bid, that of Shattuck Sugar House, 34 Kopec Ave., Belchertown, MA. 01007 for $271.80.
Sugar Maple Lot #112 - Quabbin Reservoir Watershed in the Town of New Salem, containing 277 sugar maple trees to be tapped with a total of 471 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange, MA. 01364 for $188.40.
Sugar Maple Lot #113 -Quabbin Reservoir Watershed in the Town of New Salem, containing 171 sugar maple trees to be tapped with a total of 404 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange,
MA. 01364 for $129.28.
Sugar Maple Lot#114 -Quabbin Reservoir Watershed in the Town of New Salem, containing 202 sugar maple trees to be tapped with a total of 491 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange, MA. 01364 for $171.85.
Sugar Maple Lot#115 - Quabbin Reservoir Watershed in the Town of New Salem, containing 312 sugar maple trees to be tapped with a total of 420 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange, MA. 01364 for $168.00.
Sugar Maple Lot#116 - Quabbin Reservoir Watershed in the Town of New Salem, containing 175 sugar maple trees to be tapped with a total of 235 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange, MA. 01364 for $94.00.
Sugar Maple Lot #118 - Quabbin Reservoir Watershed in the Town of Petersham, containing 171 sugar maple trees to be tapped with a total of 279 taps allowed. Acceptance of the only bid, that of Philip Johnson, 30 Ward Road, Orange, MA. 01364 for $97.65.

Sugar Maple Lot #119 - Quabbin Reservoir Watershed in the Town of Petersham, containing 147 sugar maple trees to be tapped with a total of 210 taps allowed. Acceptance of the only bid, that of Francis Misiuk, 20 Woodward Road, Petersham, MA. 01364 for $63.00.
Sugar Maple Lot#120 -Quabbin Reservoir Watershed in the Town of New Salem, containing 449 sugar maple trees to be tapped with a total of 611 taps allowed. Acceptance of the only bid, that of Philip Johnson, 30 Ward Road, Orange, MA. 01364 for $219.96.
Sugar Maple Lot#121- Quabbin Reservoir Watershed in the Town of New Salem, containing 334 sugar maple trees to be tapped with a total of 444 taps allowed. Acceptance of the only bid, that of Philip Johnson, 30 Ward Road, Orange, MA. 01364 for $177.60.
Sugar Maple Lot#122 - Quabbin Reservoir Watershed in the Town of Petersham, containing 64 sugar maple trees to be tapped with a total of 89 taps allowed. Acceptance of the only bid, that of Joseph Raskett, 572 Jackson Road, Hardwick, MA. 01037-0272 for $30.00.
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Pula in their report of January 4, 2002

1. Report of Messrs. McGinn and Pula, January 4, on proposals for the purchase of forest products located on the Quabbin, Ware River and Wachusett Watersheds.
(Messrs. McGinn and Pula recommend the following -
Timber Lot Sale No. 1004 - Quabbin Reservoir Watershed in the Town of Hardwick, containing approximately 52, 060 board feet of timber, 25 cords of fuelwood, and 31 tons of pulp. Acceptance of the highest qualified bid, that of Petersham Forest Products, Inc., 297 East St., Petersham, MA. 01366 of $5,466.55. The MDC Forester estimated the lowest acceptable bid for this lot to be $3,700.00.
Timber Lot Sale No. 1005 - Quabbin Reservoir Watershed in the Town of Ware, containing approximately 212,550 board feet of timber, 379 cords of fuelwood, and 239 tons of pulp. Acceptance of the highest qualified bid, that of Tommila Bros. Inc., Box 195 Troy, NH. 03465 of $16,505.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $15,000.00.
Timber Lot Sale No. 1006 - Quabbin Reservoir Watershed in the Town of Hardwick, containing16, 304 board feet of timber, 132 cords of fuelwood, and 9 tons of pulp. Acceptance of the highest qualified bid, that of New Braintree Firewood, 70 Sibley Road, New Braintree, MA. 01531 of $2,101.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $1,600.00.
Timber Lot Sale No. 2007- Quabbin Reservoir Watershed in the Town of Belchertown, containing 156,825 board feet of timber, 68 cords of fuelwood, and 150 tons of pulp. Acceptance of the highest qualified bid, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA. 01452 of $20,476.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $5,000.00.
Timber Lot Sale No. 2008 -Quabbin Reservoir Watershed in the Town of Pelham, containing 86,765 board feet of timber, 146 cords of fuelwood, and 115 tons of pulp.
Acceptance of the highest qualified bid, that of Tommila Bros. Inc., Rte.12, Box 195, Troy, NH. 03465 of $17,011.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $10,000.00.
Timber Lot Sale No. 3023A - Quabbin Reservoir Watershed in the Town of New Salem, containing 139,956 board feet of timber, 114 cords of fuelwood, and 345 tons of pulp.
Acceptance of the highest qualified bid, that of Tommila Bros. Inc., Rte. 12, Box 195, Troy,

NH. 03465 of $16,477.36. The MDC Forester estimated the lowest acceptable bid for this lot to be $13,000.00.

Timber Lot Sale No. 3027 -Quabbin Reservoir Watershed in the Town of New Salem, containing 276,570 board feet of timber, 116 cords of fuelwood, and 833 tons of pulp. Acceptance of the highest qualified bid, that of RE-GEN, P.O. Box 929, Eastford, CT. 06242 of $20,000.00. The MDC Forester estimated the lowest acceptable bid for this lotto be $20,000.00.

Timber Lot Sale No. 3028 - Quabbin Reservoir Watershed in the Town of New Salem, containing 203,959 board feet of timber, 40 cords of fuelwood, and 586 tons of pulp. Acceptance of the highest qualified bid, that of Wagner Wood, 305 N. East Street, Amherst, MA. 01002 of $24,996.00. The MDC Forester estimates the lowest acceptable bid for this lot to be $15,000.00.

Timber Lot Sale No. 3029 - Quabbin Reservoir Watershed in the Town of New Salem, containing 403,550 board feet of timber, 18 cords of fuelwood, and 874 tons of pulp. Acceptance of the highest qualified bid, that of John H. Conkey & Sons Logging, 621 Daniel Shays HWY, Belchertown, MA. 01007 of $61,816.00. The MDC Forester estimates the lowest acceptable bid for this lot to be $33,200.00.

Timber Lot Sale No. 3030 - Quabbin Reservoir Watershed in the Town of New Salem, containing 66,590 board feet of timber, 263 cords of fuelwood, and 164 tons of pulp. Acceptance of the highest qualified bid, that of Standard Contract Logging, P.O. Box412, Ware, MA. 01082 of $5,712.00. The MDC Forester estimates the lowest acceptable bid for this lot to be $5,000.00.

Timber Lot Sale No. 4306 -Ware River Watershed in the Town of Rutland containing 27,236 board feet of timber, 42 cords of fuelwood, and 67 tons of pulp. Acceptance of the only qualified bid, that of Steven Guillotte, 2 Campbell Street, Rutland, MA. 01543 of $2,540.00. The MDC Forester estimates the lowest acceptable bid for this lot to be $2,500.00.

Timber Lot Sale No. 4307 - Ware River Watershed in the Town of Rutland, containing 65,908 board feet of timber, 101 cords of fuelwood, and 586 tons of pulp. Rejection of the only bid, that of T. Jepson & Son, 40 Howe Road, Spencer, MA. 01562 of $4,600.00. The MDC Forester estimates the lowest acceptable bid for this lot to be $5,000.00.

Timber Lot Sale No. 4308 -Ware River Watershed in the Town of Hubbardston, containing 25,987 board feet of timber, 61 cords of fuel wood, and 35 tons of pulp. Acceptance of the highest qualified bid, that of Steven Guillotte, 2 Campbell Street, Rutland, MA. 01543 of $4,120.00. The MDC Forester estimates the lowest acceptable bid for this lot to be $4,000.00.

Timber Lot Sale No. 5150aa Wachusett Watershed in the Towns of Boylston & Sterling, containing 16,205 board feet of timber, 315 cords of fuelwood, and 30 tons of pulp. Acceptance of the only qualified bid, that of Harrington Hardwood Inc., P.O. Box 283, Jefferson, MA. 01522 of $3,825.00. The MDC Forester estimates the lowest acceptable bid for this lot to be $3,600.00.

Roadside Sale No. R9NQ -Quabbin Watershed in the Town of New Salem containing 19,165 board feet of logs. Acceptance of the highest qualified bid, that of Wagner Wood, 305 N. East Street, Amherst, MA. 01002 of $3,410.00. The MDC Forester estimates the lowest acceptable bid for this lot to be$3,200.00.

Timber Lot Sale No. 2005A - Quabbin Watershed in the Town of Pelham containing 304,805 board feet of timber, 262 cords of fuelwood, and 718 tons of pulp. Acceptance of the highest

qualified bid, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA. 01452 of $16,776.00.The MDC Forester estimates the lowest acceptable bid for this lot to be $10,000.00.
Timber Lot Sale No. 3013A- Quabbin Watershed in the Town of Pelham containing 173,256 board feet of timber, 73 cords of fuelwood, and 290 tons of pulp. Acceptance of the highest qualified bid, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA. 01452 of $25,157.50. The MDC Forester estimates the lowest acceptable bid for this lot to be $15,000.00.
The Commission VOTED: Approved as recommended by Messrs. McGinn and Pula in their report of January 4, 2002.

Action was taken upon the following matter relating to the Office of General Counsel:

1. Report of Mr. Collette, December 17, recommending that the Commission accept the conveyance of a Conservation and Public Access Easement over approximately 23.5 acres of land owned by DDRC Gateway, LLC, located in the City of Everett, Massachusetts, and to execute the easement document accordingly.
The Commission VOTED: Delete from Agenda.

Adjourned at 9:30 a.m., to meet on Thursday, January 17, 2002 at 9:00 a.m.

William F. Austin
Secretary

Record of the Four Thousand Eighth (4011th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, January 17, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on December 20, 2001, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Mr. Faucher and Mrs. Graves Jones, January 4, recommending approval of revisions in quantities on the following items on Contract No. P00-2032-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts –

Item No. 002-010	**$ 306.38**
Materials, Components, Parts and Controls	
Item No. 004-010	**$1,296.00**
Labor Rate for Licensed Electrician (Controller Technician)	
Item No. 004-020	**$1,296.00**
Labor Rate for Licensed Electrician (Serviceman)	
Item No. 004-030	**$ 888.00**
Labor Rate for Helper and Miscellaneous Repair	
Item No. 005-010	**$ 576.00**
Hourly Rate for Vehicle for Miscellaneous Repairs	
Item No. 006-020	**$ 630.00**
Vehicle Signal Head – Single Section 12 Inch Lens	
Item No. 014-010	**$ 28.00**
Traffic Signal Wire (T.F.F. #18)	
Item No. 020-010	**$1,536.00**
Traffic Control Services	
Total	**$6,556.38**

(Funds are available in Account No. 2490-0017).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Misslin, Brooks and Van-Ha, January 2, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2152-C1A, for Furnishing and Installation of New Backflow Preventers, Water Meters and Sump Pump and Replace Gate Valve and Existing Water Line for the Daly Athletic Field and Skating Rink, Brighton.
Estimated Cost - $22,380.00.
Time for Performance – six weeks.
Funding from Account No. 2440-9800.
The Commission V O T E D: Approved.

The Commission further V O T E D: authorization to advertise Project No. P02-2152-C1A, for Furnishing and Installation of New Backflow Preventers, Water Meters and Sump Pump and Replace Gate Valve and Existing Water Line for the Daly Athletic Field and Skating Rink, Brighton.

1. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Miss Peterson, January 4, recommending approval of the action of Deputy Commissioner
Faucher resulting in revisions in quantities on Contract No. PL93-023-C2A, with
D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton, as follows –
Item No. 02200-5 – Gravel Borrow - **$28,350.00**
Item No. 02200-1 – Gravel Excavation - **$18,750.00**
Item No. 02200-6 – Gravel Borrow from On-Site - **$ 5,450.00**
Total - $52,550.00
Funding from Account No. 2420-8961.
The Commission V O T E D: to approve action of Deputy Commissioner Faucher which resulted in revisions in quantities on Contract No. PL93-023-C2A.
The Commission further V O T E D: to approve the revisions in quantities in the amount of $52,550.00.

2. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Miss Peterson, January 4, recommending approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on Contract No. PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton, as follows –
Item No. 02510-13 – PVC Pipe, 8 – inch for Culverts - **$ 9,100.00**
Item No. 02510-14 – Filter Fabric (Trench Drain) - **$ 2,550.00**
Total - $11,650.00
Funding from Account No. 2420-8961.
The Commission V O T E D: to approve action of Deputy Commissioner Faucher which resulted in revisions in quantities on Contract No. PL93-023-C2A.
The Commission further V O T E D: to approve the revisions in quantities in the amount of $11,650.00.

3. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Miss Peterson, January 4, recommending approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on Contract No. PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton, as follows –
Item No. 02720-9 – Chain Link Fence, Black Vinyl, 6 ft. High - **$12,376.00**
Item No. 02720-1 – Wood Guard Rail Fence - **$10,800.00**
Item No. 02720-7 – Chain Link Fence, Black Vinyl, 4 ft. High - **$ 6,975.00**
Total - $30,151.00
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 02720-8, Chain Link Fence, Black Vinyl, 5 ft. High and 01040-1, Traffic Control Services).
The Commission V O T E D: to approve action of Deputy Commissioner Faucher which resulted in revisions in quantities on Contract No. PL93-023-C2A.
The Commission further V O T E D: to approve the revisions in quantities in the amount of 30,151.00.00.

1. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Miss Peterson, January 8, recommending approval of an Extra Work Order and the request of D & C Construction Co., Inc., to engage the services of a sub-contractor on Contract No. PL93-023-C2A, for Lower Neponset River Trail, Boston and Milton, as follows –

Extra Work Order No. 7 – at a cost of - $9,111.06
Dropping six trees at the Butler Street MBTA Station
and at Neponset Marsh

Sub-Contractor for Extra Work Order No. 7 –
for dropping trees only - at a cost of - $3,600.00 -
Charles Ronald Potter, Jr.
d/b/a Barre Tree Service
Post Office Box 681
469 Old Coldbrook Road
Barre, MA 01005

(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 01042-1 – MBTA Work Force Account).
The Commission V O T E D: to approve Extra Work Order No. 7, at a cost of $9,111.06.
The Commission further V O T E D: to approve the request of D & C Construction Co., Inc., Contractor under Contract No. PL93-023-C2A, to engage the services of Charles Ronald Potter, Jr. d/b/a Barre Tree Service, as sub-contractor for Extra Work Order No. 7, at a cost of $3,600.00.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, January 8, on behalf of a Selection Committee, requesting approval and execution of Contract No. WM02-062-X1A, with GZA GeoEnvironmental, Inc., for Sudbury Reservoir - Spillway Inspection and Weephole Maintenance.
Cost – to be paid on a lump sum basis in the amount of $9,800.00.
Time for Performance – 8 weeks from Notice to Proceed.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract No. WM02-062-X1A, dated January 17, 2002, with GZA GeoEnvironmental, Inc., which was signed by the Commissioner and four Associate Commissioners.

3. Report of Mrs. Overton Bussell and Mr. Murphy, January 10, requesting approval to solicit proposals from contractors under the existing statewide development contract (ST7J502), to conduct chemical inventories at various MDC facilities and create a master chemical inventory which will bring the Commission into compliance with the Clean State Program and Massachusetts General Law (MGL111).
Cost not-to-exceed - $20,000.00,
Funding from Account No. 2440-4994.
The Commission V O T E D: Approved as requested by Mrs. Overton Bussell and Mr. Murphy in their report of January 10, 2002.

Action was taken upon the following matter relating to the Office of General Counsel:

1. Report of Ms. McLaughlin, January 11, recommending that the Commission adopt an Order of Taking for acquisition of approximately 85.351 acres of land owned by Alan Rubin and Ruth R. Rubin, located in the Town of Petersham, Massachusetts, and to approve an award of damages in the amount of $ 195,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 85.351 acres of land owned by Alan Rubin and Ruth R. Rubin, located in the Town of Petersham, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, January 17, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Petersham in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the easterly side of Camel's Hump Road, shown as Lot A upon a survey plan cited at the conclusion of this description, more particularly bounded and described as follows:

Beginning at an MDC concrete bound set at a point in the stone wall marking the easterly line of the said town road, at the northwesterly corner of the parcel herein being described, and at the southwesterly corner of other land, now or formerly, of Allen & Ruth R. Rubin, specifically excepted and excluded from the terms and provisions of this instrument, and reserved to the supposed owners, their heirs and assigns, which parcel is designated "Remaining Land Of Allen & Ruth R. Rubin" upon the survey plan cited below;

Thence N. 79° 52' 15" E., 178.07 feet, running by and through a stone wall segment, across a cart path and to a point at the southerly terminus of another wall;

ThenceN. 83° 14' 19" E., 1482.25 feet, running by the southerly line of the excepted and excluded parcel, crossing two woods roads, and running to a point in the westerly line of land, now or formerly, of Robert S. & Elizabeth N. Russell (see the 1983 deed recorded with

Worcester District Registry of Deeds at Book 7802, Page 118 and the plan recorded as Plan 88 in Plan Book 585), said point being 10.00 feet from another MDC concrete bound offset on the above bearing;

Thence S. 10° 50’ 07” E., 306.54 feet, by land, now or formerly, of R.S. & E.N. Russell, to a gun barrel found at the southwesterly corner of the last cited abutting lot and at the northwesterly corner of land, formerly of William L. & Marianna T. Berry, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated 03/25/1995 recorded with said Deeds on 04/14/1995 at Book 16985, Page 215);

Thence S. 04° 49’ 07” E., 268.34 feet, to another gun barrel found at an angle in the line;

Thence S. 28° 54’ 47” W., 258.24 feet, crossing a portion of Ayer Pond and running to a point on Long Island;

Thence S. 73° 01’ 29” W., 1016.82 feet, running across the pond and the dam, to a point;

Thence S. 40° 35’ 11” W., 42.27 feet, to another gun barrel found;

Thence S. 17° 02’ 43” E., 172.90 feet, through another MDC concrete bound set, on bearing and 40.00 feet from the last cited gun barrel found, and running to another gun barrel found at an angle in the line;

Thence S. 28° 57’ 49” E., 187.77 feet, to another gun barrel found, at another angle;

Thence S. 61° 23’ 53” W., 204.38 feet, to a point in a stone pile found;

Thence S. 82° 35’ 36” E., 138.00 feet, to a point at a corner, on or near the shore of Ayer Pond, and at land, now or formerly, of the President & Fellows of Harvard College (see Probate Document No. 248866 and the 1941 deed recorded with said deeds at Book 2885, Page 242), the last eight courses being by land, formerly of W.L. & M.T. Berry, now of the Commonwealth of Massachusetts, MDC;

Thence S. 01° 59’ 16” W., 2402.79 feet, by land, now or formerly, of Harvard College, running through another MDC concrete bound set 40.00 feet on line from the last cited point at the corner, and running through four more MDC concrete bounds set 500.00 feet apart on line, and running to a sixth MDC concrete bound set at the northerly end of a stone wall segment;

Thence S. 07° 35’ 36” W., 307.49 feet, by land, now or formerly, of Harvard College, to an MDC granite bound found at the southeasterly corner of the parcel being

described herein, and at land, formerly of Charles W. & Florence V. North, now of the Commonwealth of Massachusetts, MDC (see deed dated 12/27/1937 to the M.D.W.S.C., for lands in Dana & Petersham , recorded with the Worcester District Registry of Deeds on 02/08/1938 at Book 2714, Page 473);

Thence N. 78° 08’ 34” W., 137.58 feet, to another MDC granite bound found at another corner;

Thence N. 14° 57’ 44” W., 2114.37 feet, running through an 18” blazed oak and a 12” blazed oak and running to another MDC granite bound with drill hole found at a 16” black birch at an angle in the line and near the easterly end of a stone wall;

Thence N. 68° 25’ 16” W., 571.21 feet, by the stone wall, to another MDC granite bound with drill hole found at a point in the easterly line of Camel’s Hump Road, the last three courses being by land, formerly of C.W. & F.V. North, now of the Commonwealth of Massachusetts, MDC;

Thence N. 05° 24’ 06” E., 138.24 feet, by the road, to a point in the stone wall marking the easterly line thereof;

Thence N. 13° 59’ 59” E., 202.86 feet, by the easterly line of the road and the wall to a point therein;

Thence N. 21° 47’ 11” E., 104.51 feet, by the line of the road and the wall, to a point therein;

Thence N. 01° 25’ 05” E., 74.39 feet, by the road and the stone wall, to a point therein;

Thence N. 16° 03’ 02” W., 120.34 feet, by the easterly line of the road, by and through the wall, crossing Fever Brook and running to a point in the continuation of the wall;

Thence N. 05° 36’ 22” E., 305.22 feet, by the road and along the stone wall, to a point therein;

Thence N. 20° 05’ 25” E., 290.15 feet, by the line of the road, and the wall, to a point therein;

Thence N. 17° 49’ 11” E., 343.71 feet, by the line of the road, and the wall, to a point at an angle in the line;

Thence N. 06° 02’ 42” W., 265.18 feet, by the road, and the stone wall, to the first mentioned MDC concrete bound, being the point and place of beginning.

Containing 85.351 acres as shown upon a plan entitled “Commonwealth Of Massachusetts,

Metropolitan District Commission, Division of Watershed Management, Petersham (Worcester County) MA, Land Taking Plan for Watershed Management", dated July 1, 1993, prepared by C.T. Male Associates, P.C., Douglas A. Stephens, P.L.S., which plan shall be recorded with Worcester District Registry of Deeds, at a later date, and made a part of this order.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Allen Rubin Ruth R. Rubin	85.351 acres, more or less

The above described property is represented upon the Petersham Assessors Tax Map as most of Parcel 699.

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being most of the same premises described in a deed from Ruth R. Rubin to Allen Rubin & Ruth R. Rubin, dated 19th January 1984 and recorded with Worcester District Registry of Deeds at Book 8062, Page 1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcels of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Allen Rubin and Ruth R. Rubin	$ 195,000

The Commission further VOTED: to approve an award of damages in the amount of $ 195,000.00, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

Adjourned at 9:50 a.m., to meet on Thursday, January 24, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Twelfth (4012th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, January 24, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Rollins.

The Records of the Commission Meeting held on January 10, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Amendment No. 3 and Amendment No. 4, dated January 2, 2002, on Contract No. P97-1987-D1A, with Parsons, Brinkerhoff, Quade & Douglas, Inc., for Winthrop Shores Reservation Restoration.

2. Amendment No. 3, dated January 24, 2002, to Contract-Agreement No. P99-1986-D1A, with Gannett Fleming Inc., for Professional Engineering Services for Bridges, Parkways and Other Commission Facilities.

The Secretary submitted for signature the following paper which was signed by the Commissioner and two Associate Commissioners:

3. Contract No. P00-2022-C1A, dated January 24, 2002, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems Modifications, General Edwards Bridge in Lynn, Brookwood Farm in Canton and Breakheart Reservation Administration Building in Saugus.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Gabra, January 8, recommending the following on Contract No. P01-2091-C1A, with D & C Construction Co., Inc., for Rehabilitation of Flood Control Pump at Charles River Dam, Charlestown –
(a) That work be accepted as completed as of October 31, 2001.
(b) That Estimate No. 2 (Final), in the amount of $69,720.48, be approved for payment.
(c) That reserve, in the amount of $5,547.00, be approved for payment.
(Basis of Award - $ 99,550.00)
(Amount to Date - $110,940.08)
(Contract Performance Rating – 4.00)
(EEO Compliance – 2.80)
The Commission V O T E D: that the work of D & C Construction Co., Inc., Contractor under Contract No. P01-2091-C1A, be and hereby is accepted as completed as of October 31, 2001.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $69,720.48, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,547.00, for payment.

1. Report of Messrs. Faucher and DiRamio, January 14, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2151-C1A, for Rehabilitation of Fellsmere Pond, Malden.
Estimated Cost - $68,325.00.
Time for Performance – six months.
Funding from Account No. 2495-8998.
The Commission V O T E D: Approved,
The Commission further V O T E D: authorization to advertise Project No. P02-2151-C1A, for Rehabilitation of Fellsmere Pond, Malden.

2. Report of Messrs. Faucher and Gode-von Aesch, January 18, on bids for Armory Bridge Scour Repair, Medford, Contract No. P02-2145-C1A.
(Messrs. Faucher and Gode-von Aesch recommend acceptance of the lowest bid received, that of SPS New England, Inc., of $84,850.00)
The Commission V O T E D: to accept the lowest bid received, that of SPS New England, Inc., of $84,850.00.

3. Report of Messrs. Faucher, Misslin, Brooks and Sodano, January 17, on bids for Window Replacement at the Charles River Dam Facility, Contract No. P02-2148-C1A.
(Messrs. Faucher, Misslin, Brooks and Sodano recommend acceptance of the lowest bid received, that of GVW, Inc., of $76,000.00).
The Commission V O T E D: to accept the lowest bid received, that of GVW, Inc., of $76,000.00.

4. Report of Messrs. Faucher, Misslin, Brooks and Sodano, January 17, on bids for Muffler (s) Replacement at the Amelia Earhart Dam, Contract No. P01-2130-C1A.
(Messrs. Faucher, Misslin, Brooks and Sodano recommend acceptance of the lowest bid received, that of All Star Construction, of $21,750.00).
The Commission V O T E D: to accept the lowest bid received, that of All Star Construction, of $21,750.00.

Action was taken upon the following matter relating to the Office of Planning:

5. Report of Mrs. O'Brien and Mr. Driscoll, January 9, requesting approval and execution of Amendments 3, 4 and 5, on Contract No. PL92-017-D2A, with Carol R. Johnson Associates Inc., for the Upper Charles River Reservation – Master Plan and Design Services – Phase III, as follows –
Amendment No. 3 – Easement Delineation – at an increase of **$3,575.00**.
Amendment No. 4 – Watertown Dam Footbridge Rail Modifications – at an increase of **$10,554.00.**
Amendment No. 5 – for Geotechnical borings - at an increase of $ 7,655.00
Additional Easement work – at an increase of $ 2,757.00
Commonwealth Ave. Entry – at an increase of $ 6,040.00
$16,452.00
Funding from Account No. 2490-0017.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment Nos. 3, 4 and 5, dated January 24,

2002, with Carol R. Johnson Associates Inc., for the Upper Charles River Reservation – Master Plan and Design Services – Phase III, which were signed by the Commissioner and three Associate Commissioners.

Adjourned at 9:30 a.m., to meet on Thursday, January 31, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Twelfth (4013th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, January 31, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr and Elkort.

The Records of the Commission Meeting held on January 17, 2002 were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Thurlow, January 24, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2143-C1A, for Installation of Benches along the Charles River.
Estimated Cost - $750,000.00.
Time for Performance – four months
Funding from Account No. 2440-8961.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2143-C1A, for Installation of Benches along the Charles River.

2. Report of Messrs. Faucher and Balicki, January 16, recommending the following on Contract No. P01-2111-C1A, with B.S.A. Painting Co., Inc., for Water Blasting, Patching, Painting and Caulking Swimming Pools at Various Locations –
(a) That work be accepted as completed as of July 13, 2001.
(b) That Estimate No. 2 (Final), in the amount of $24,674.35, be approved for payment.
(c) That reserve, in the amount of $11,361.84, be approved for payment.
(Basis of Award - $215,111.75)
(Amount to Date - $227,236.75)
(Contract Performance Rating – 4.00)
(EEO Compliance – 4.17)
The Commission V O T E D: that the work of B.S.A. Painting Co., Inc., Contractor under Contract No.P01-2111-C1A, be and hereby is accepted as completed as of July 13, 2001.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $24,674.35, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $11,361.84, for payment.

3. Report of Messrs. Faucher, Griffin and Gode-von-Aesch, January 23, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2156-C1A, for Charles River Basin Pedestrian Overpass Painting, Boston and Cambridge.
Estimated Cost - $580,000.00.
Time for Performance - completion by June 30, 2002.
Funding from Account No. 2490-8911.
The Commission V O T E D: Approved.

The Commission further V O T E D: authorization to advertise Project No. P02-2156-C1A, for Charles River Basin Pedestrian Overpass Painting, Boston and Cambridge.

1. Report of Mr. Faucher, December 13, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to solicit consultant services for Project No. P87-1449-M8A, for Analytical and Water Quality Testing.
Estimated Cost per calendar year is $42,500.00, for a two calendar year cost of $85,000.00.
Funding from Account No. 2410-1500.
Funding for fiscal years other than current year is contingent upon sufficient funds being made available through the annual budgetary appropriation process.
The Commission V O T E D: Approved as submitted by Mr. Faucher in his report of December 13, 2001.
The Commission further V O T E D: authorization to solicit consultant services for Project No. P87-1449-M8A, for Analytical and Water Quality Testing.

2. Report of Messrs. Faucher and Soroka, January 22, on bids for Servicing Traffic Signal and Control Systems, Charles River Basin Districts, Contract No. P02-2142-M1A.
(Messrs. Faucher and Soroka recommend acceptance of the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $543,357.00).
Messrs. Faucher and Soroka further request execution of the Contract.
The Commission V O T E D: to accept the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $543,357.00.
The Secretary then submitted for signature Contract No. P02-2142-M1A, dated January 31, 2002, with Coviello Electric and General Contracting Co., Inc., which was signed by the Commissioner and two Associate Commissioners.

3. Report of Mr. Faucher and Mrs. Pomorska, January 22, on bids for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Districts, Contract No. P02-2140-M1A.
(Mr. Faucher and Mrs. Pomorska recommend acceptance of the only bid received, that of Coviello Electric and General Contracting Co. Inc., of $595,100.00).
Mr. Faucher and Mrs. Pomorska further request execution of the Contract.
The Commission V O T E D: to accept the only bid received, that of Coviello Electric and General Contracting Co. Inc., of $595,100.00.
The Secretary then submitted for signature Contract No. P02-2140-M1A, dated January 31, 2002, with Coviello Electric and General Contracting Co., Inc., which was signed by the Commissioner and two Associate Commissioners.

4. Report of Mr. Faucher and Mrs. Graves-Jones, January 16, on bids for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts, Contract No.P02-2141-M1A.
(Mr. Faucher and Mrs. Graves-Jones recommend acceptance of the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $545,130.00).
Mr. Faucher and Mrs. Graves-Jones further request execution of the Contract.
The Commission V O T E D: to accept the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $545,130.00.

The Secretary then submitted for signature Contract No. P02-2141-M1A, dated January 31, 2002, with Coviello Electric and General Contracting Co., Inc., which was signed by the Commissioner and two Associate Commissioners.

1. Report of Messrs Faucher, Carrigan and MacLean, January 18, recommending approval of revisions in quantities on the following items on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District –

Item No. 001-010 Unclassified Excavation	$ 307.95
Item No. 006-010 Catch Basins and Drop Inlets	$1,000.00
Item No. 006-040 Frames, Grates and Covers	$ 300.00
Item No. 008-010 Utility Box Adjust	$ 600.00
Item No. 009-010 Curbing/Edging R & D	$ 335.00
Item No. 011-010 Edgestone (Straight)	$1,540.00
Item No.013-010 Granite Corner Blocks, R & R	$ 750.00
Item No. 019-010 Cement Concrete 6" thick	$4,115.93
Item No. 024-010 Grading, Liming, Fertilizing and Seeding	$ 380.66
Item No. 029-010 Spec. Lighting Unit (Flashing Arrow)	$ 600.00
	Total - $9.929.54

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 003-020, 005-010, 010-010, 015-010, 016-010, 020-010 and 030-010).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Carrigan and MacLean, January 18, recommending approval of revisions in quantities on the following items on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System –

Item No. 055-010 Furnish and Install, Repair or Replace Black Vinyl-clad Chain Link Fence 4' to 4'6" High	$2,027.64
Item No. 061-010 Furnish and Install, Repair or Replace Black Vinyl-clad Chain Link Fence 8' High	$3,492.50
Item No. 063-010 Furnish and Install, Repair or Replace Black Vinyl-clad	$1,354.50

Chain Line Fence 10'High
Total - $6,874.64
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 035-010 – Furnish and Install New SS Guard Rail and Posts (Straight).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Carrigan and MacLean, January 18, recommending approval of a revision in quantities on the following item on Contract No.P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System –
Item No. 023-010 $1,575.00
Remove, Transport and Reset Single Leaf Closure Gates
Installation, Complete in Place
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 035-010 – Furnish and Install New SS Guard Rail and Posts (Straight).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Lenhardt, January 25, recommending approval of revisions in quantities on the following items on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston –
Item No. 027-010 $ 75,600.00
Struct. Conc. Repair 10 cf
Item No. 027-011 $ 31,400.00
Press. Inject Str. 50 lf Crack Repair
Total - $107,000.00
Funding from Account No. 2490-2001.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and McCalla, January 22, recommending rejection of the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $786,990.00, on Contract No. P02-2139-M1A, for Maintenance of Street Lighting Systems on MDC Parkways, Roadways and Properties, as the bid was 28.41% over the Engineer's estimate. It is further requested that permission be granted to readvertise the Project.
Following a lengthy discussion, concerning why additional contractors are not bidding on this type of project, Commissioner Balfour asked General Counsel Thomas P. Gray to look into the matter and report back to the Commission.
The Commission V O T E D: to reject the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $786,990.00, on Contract No. P02-2139-M1A, for Maintenance of Street Lighting Systems on MDC Parkways, Roadways and Properties, as the bid was 28.41% over the Engineer's estimate.
The Commission further V O T E D: permission to readvertise the Project.

4. Report of Messrs. Faucher and McCalla, January 22, requesting approval of an extension of time from January 31, 2002 to March 7, 2002, to keep the current Contract in force pending award of a new Contract, on Contract No. P00-2030-M1A, with Coviello Electric and General

Contracting Co., Inc., for Maintenance of Street Lighting Systems on MDC Parkways, Roadways and Properties.
The Commission V O T E D: to approve of an extension of time from January 31, 2002 to March 7, 2002, as requested by Messrs. Faucher and McCalla in their report of January 22, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, January 14, on behalf of a Proposal Selection Committee requesting approval of the selection of Health Resources Corporation and authorize a contract to be prepared for execution, for providing services for Medical Evaluation Services.
Compensation - $5,000.00 per year.
Duration of Contract – three years.
Funding from Account No. 2410-1500.
The Commission V O T E D: to approve of the selection of Health Resources Corporation and authorize a contract to be prepared for execution, for providing services for Medical Evaluation Services.

2. Report of Mrs. O'Brien, January 28, submitting for Commission review a Report produced by the Central Transportation Planning Staff for the Committee on Regional Truck Issues. Mrs. O'Brien recommends the Commission maintain the existing truck exclusion on the section of Alewife Brook Parkway between Massachusetts Avenue in Cambridge and Broadway in Somerville.
Anne Lynch, representing the Massachusetts Motor Transportation Association (MMTA), noted that over the past two years MMTA has participated in a comprehensive effort with state and metropolitan transportation officials to create a truck route through the communities including and surrounding Boston.
Ms. Lynch explained that transportation experts that represent each participating community, the Massachusetts Highway Department, the Metropolitan District Commission, Central Transportation Planning Staff (CTPS) , Metropolitan Area Planning Council (MAPC) and private carriers sought to build a route through the metropolitan area considering road conditions, environmental concerns, connectivity and population density. Through this process, she noted, concessions were made by all in order to assure a successful outcome.
Ms. Lynch then stated that the new metropolitan truck route cannot move forward without the assistance of the MDC. The proposed route, she noted, includes less than a quarter mile of Alewife Brook Parkway, only for the use of six wheel trucks, no large tractor trailers. Without MDC assistance the process of negotiation is fatally endangered, she stated.
Ms. Lynch then asked that the Commission support the use of Alewife Brook Parkway, between Broadway, Somerville and Massachusetts Avenue in Cambridge for the use of six wheel trucks.
At this point Frank Salvoni, owner of Salvoni Trucking, and former President of Massachusetts Motor Transportation Association spoke and stated that at the present time, trucks leaving Route 2 have to navigate Massachusetts Avenue, Cambridge, a tight and dangerous route to get to their destination. He noted that the City of Somerville does not have a problem with trucks

using Broadway when leaving the section of Alewife Brook Parkway, between Massachusetts Avenue and Broadway.

Julia O'Brien of the MDC Planning Office spoke of the role of MDC Parkways, noting that they were constructed to accommodate pleasure vehicles and not trucks. She then spoke of problems that could arise if the permission were granted – including difficult law enforcement with different size trucks.

Associate Commissioner Carr noted that Commission parkways were constructed for pleasure vehicles, noting that the narrow lanes on parkways were not constructed with trucks in mind.

At this point, Associate Commissioner Carr asked Ms. Lynch if she had any further testimony she would care to put forward. Ms. Lynch stated that she had nothing further to say.

Associate Commissioner Carr asked Mrs. O'Brien if she had met with interested parties concerning the request. Mrs. O'Brien stated that she had met with the aforementioned on three different occasions and made her feelings public concerning the exclusion.

At this point, on a motion of Associate Commissioner Carr, the Commission V O T E D: to maintain the existing truck exclusion on the section of Alewife Brook Parkway, between Massachusetts Avenue in Cambridge and Broadway in Somerville.

Action was taken upon the following matter relating to the Office of General Counsel:

1. Report of Mr. Gray, January 29, recommending that the Commission approve the preparation of certain parcels of land situated within the MDC Parks District and comprising the Park Land Acquisition Program for Fiscal Year 2002, as proposed by the Office of the General Counsel, as provided to the Commission, as funded by the Executive Office of Environmental Affairs, and in accordance with the provisions of Section 3 of Chapter 28 of the General Laws.

The Commission V O T E D: to approve the preparation of certain parcels of land situated within the MDC Parks District and comprising the Park Land Acquisition Program for Fiscal Year 2002, as proposed by the Office of the General Counsel, as provided to the Commission, as funded by the Executive Office of Environmental Affairs, and in accordance with the provisions of Section 3 of Chapter 28 of the General Laws.

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Baratta, January 14, on bids for Final Phase Sewer Construction – West Boylston, Contract No. WM00-061-C1W.

(Messrs. McGinn and Baratta recommend acceptance of the lowest bid received, that of Albanese Brothers, Inc., of $11,344,377.00).

Messrs. McGinn and Baratta further request execution of the Contract.

The Commission V O T E D: to accept the lowest bid received, that of Albanese Brothers, Inc., of $11,344,377.00.

The Secretary then submitted for signature, Contract No. WM00-061-C1W, dated January 31, 2002, with Albanese Brothers, Inc., which was signed by the Commissioner and two Associate Commissioners.

Adjourned at 9:45 a.m., to meet on Thursday, February 7, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Fourteenth (4014th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, February 7, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on January 24, 2002, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and four Associate Commissioners:

1. Contract No. P02-2149-C1A, dated February 7, 2002, with NEL Corporation, for Repair of Hole in Reinforced Concrete Deck Over Mystic River, Mystic Valley Parkway, Medford.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Lenhardt, January 29, recommending that the Commission amend its vote of November 15, 2001, on Contract No. P96-1819-C1A, with Boston Building & Bridge Corporation, for Rehabilitation of Sweetser Bridges (Nos. 20 and 25), Everett – by changing the source of funding for the revisions from Item Nos. 004-070 - 4000 # Cement Concrete - $22,750.00 and 007-020 – Bituminous Concrete – at a total of $28,900.00, to –

Item No. 002-010 – Special Duty Police	- $22,750.00
Item No. 003-020 – 4" Reflectorized White Line	- $ 1,750.00
Item No. 777-050 – EWO#5 Patching Holes	- $ 4,400.00
	$28,900.00

The Commission V O T E D: to amend its vote of November 15, 2001, on Contract No. P96-1819-C1A, with Boston Building & Bridge Corporation, for Rehabilitation of Sweetser Bridges (Nos. 20 and 25), by changing the source of funding, as recommended by Messrs. Faucher and Lenhardt in their report of January 29, 2002

3. Report of Messrs. Faucher and DiPietro, February 1, recommending that work be accepted as completed as of December 31, 2001, on Contract No. P95-1798-M3A, with Aquatic Control Technology, Inc., for Control of Aquatic Vegetation in the Upper Mystic Lake.
(Basis of Award - $24,950.0)
(Amount to Date - $21,950.00)
(Contract Performance Rating - 9 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of Aquatic Control Technology, Inc., Contractor under Contract No. P95-1798-M3A, be and hereby is accepted as completed as of December 31, 2001

4. Report of Messrs. Faucher and Thurlow, January 22, recommending approval of a revision in quantities on the following item on Contract No. P00-2067-M2A, with Greenscape Land

Design, Inc., for Maintenance of Lynn Shore Drive and Revere Beach Reservation – Item No. 000-003 – Irrigation Maint. - $889.50.
Funding from Account No. 2410-1800.
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and Lenhardt, January 25, recommending approval of revisions in quantities on the following items on Contract No. P96-1819-C1A, with Boston Building and Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 and 25), Everett -

Item No. 004-070 4000 PSI ¾" Stone Cement Concrete Masonry	$22,750.00
Item No. 008-010 Granite Curb Type VA-5	$10,248.00
Item No. 011-010 Engineer's Field Office	$ 9,000.00
	Total - $41,998.00

(At no additional Contract cost as the revisions will be offset by unused quantities in Item Nos. 002-050 – Safety Signing for Construction Operations, 002-060 – Temporary Pre-Cast Concrete Median Barrier, 002-070 – Temporary Concrete Barrier R & R, 002-100 – Replacement Module for Temporary Impact Attenuator, 002-130 – Pavement Marking Removable – Paint and 004-020 – 4000 psi – 3/8" Stone High Early Strength Cement Concrete Masonry).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Lenhardt, January 31, requesting approval of the action of Deputy Commissioner Faucher resulting in Extra Work Order No. 2 – for repairing the girder webs by placing weldment in areas where new curved angles will be attached – at a cost not to exceed $5,000.00, on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 2, on Contract No. P99-1986-C2A.
The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount of $5,000.00.

Action was taken upon the following matter relating to the Watershed Management Division:

3. Report of Messrs. McGinn and Baratta, January 31, requesting approval of an extension of time from January 31, 2002 to October 31, 2002, for providing continued inspectional services for MDC sewer construction contracts WM97-061-C1H and WM97-061-C3H, on Contract No. WM98-061-D11A, with Camp, Dresser & McKee, Inc., for Construction Inspection Services, Holden/West Boylston Sewer Project.
(At no additional Contract cost).
The Commission V O T E D: Approved.

Action was taken upon the following Various Matters:

1. Report of Mrs. O'Brien and Ms. Garnett, February 1, requesting approval of Amendment No. 4, for an extension of time from October 31, 2001 to July 30, 2002, to prepare construction reports as required by the Department of Environmental Protection, on Contract-Agreement No. PL97-044-S1A, with Camp, Dresser and McKee, Inc., for Pope John Paul II Park.
(At no increase in Contract cost).
The Commission V O T E D: Approved.

2. Report of Mrs. Overton Bussell and Mr. Murphy, January 10, requesting selection of Mass Compliance L.L.C., to develop a Right-to-Know Program for the MDC which will move the Agency one step closer to compliance by creating a master chemical inventory which will be reproduced and distributed to other MDC Facilities.
Cost – not-to-exceed - $20,000.00.
Funding from Account No. 2440-4994.
The Commission V O T E D: Approved as requested by Mrs. Overton Bussell and Mr. Murphy in their report of January 10, 2002.

Adjourned at 9:50 a.m., to meet on Thursday, February 14, 2002 at 9:00 a.m.

William T.
Secretary

Record of the Four Thousand Fifteenth (4015th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, February 14, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on January 31, 2002, were read and approved.

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Scannell, February 4, requesting approval of an Amendment to the Public Access Plan for the Sudbury Reservoir Watershed which will permit a Trial Pilot Project on MDC property in Southborough.
Messrs. McGinn and Scannell further request that the Commission authorize the Director of the Division of Watershed Management to enter into a Memorandum of Agreement with the Town of Southborough relative to construction, maintenance and monitoring.
The Commission V O T E D: to approve an Amendment to the Public Access Plan for the Sudbury Reservoir Watershed which will permit a Trial Pilot Project on MDC property in Southborough and authorize Mr. McGinn to prepare the Amendment for Commission execution.
The Commission further V O T E D: to authorize the Director of the Division of Watershed Management to enter into a Memorandum of Agreement with the Town of Southborough relative to construction, maintenance and monitoring, on behalf of the Commission.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, February 8, submitting for approval Project Justification for Contract No. P02-2153-C2A, Lead Paint Removal from the Bernie King Pavilion, Nantasket Beach, Hull, Massachusetts and further requesting acceptance of the only bid received, that of Environmental Restorations, Inc., in the amount of $9,970.00.
Funding is available in Account No. 2440-8952.
(Mr. Jewett further requests authorization for Commissioner Balfour to execute the contract on behalf of the Commission).
The Commission V O T E D: to approve Contract No. P02-2153-C2A, Lead Paint Removal from the Bernie King Pavilion, Nantasket Beach, Hull, Massachusetts.
The Commission further V O T E D: to accept the only bid received, that of Environmental Restorations, Inc., in the amount of $9,970.00.
The Commission further V O T E D: to authorize Commissioner Balfour to execute Contract No. P02-2153-C2A, on behalf of the Commission.

3. Report of the Concession Selection Committee, February 11, recommending that the Commission approve the selection of Auburn Golf Learning Center, Inc., 953 Chestnut Street, Newton, Massachusetts 02464, Michael Fleming, President, for Professional Golf Services, Ponkapoag Golf Course, Canton, and authorize a five-year permit-agreement to be prepared for execution.

At this point, Associate Commissioner Carr commended the Concession Selection Committee, consisting of Contract Administrator Alan D. Jewett, General Counsel Thomas P. Gray and Secretary William F. Chisholm for their complete and informative back-up information relative to their recommendation to the Commission concerning the award of the Professional Golf Services Contract at Ponkapoag Golf Course to Auburn Golf Learning Center, Inc.
The Commission V O T E D: to approve the selection of Auburn Golf Learning Center, Inc., 953 Chestnut Street, Newton, Massachusetts 02464, Michael Fleming, President, for Professional Golf Services, Ponkapoag Golf Course, Canton.
The Commission further V O T E D: to authorize a five-year permit-agreement be prepared for Commission execution.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

1. Report of Mrs. O'Brien and Ms. Garnett, February 7, requesting approval of Amendment No. 2, which calls for an increase of $5,865.00, for unanticipated construction administration services required as a result of flooding along the trail and changes in initial survey data, on Contract No. PL93-023-D2A, with Planners Collaborative, Inc., for Neponset River Trail Design Services, Dorchester and Milton.
Funding from Account No. 2440-9102.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Office of General Counsel:

2. Report of Ms. McLaughlin, February 11, recommending that the Commission adopt an Order of Taking for acquisition of a watershed preservation restriction and conservation easement on approximately 248.897 acres of land owned by Thomas A. Ryder, et als, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $ 905,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of a watershed preservation restriction and conservation easement on approximately 248.897 acres of land owned by Thomas A. Ryder, et als, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, February 14, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for

the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

Two contiguous tracts of land situated in the westerly part of the said Town of Hubbardston, one tract which is supposed to contain, according to deed description, about 242 acres and 104 square rods, and another tract which is supposed to contain about 10 acres, excepting and excluding, however, the following two parcels: 1. a parcel of land containing about 6.552 acres on the easterly side of Mount Jefferson Road, conveyed to North County Land Trust Inc., by deed of Thomas A Ryder, et als, dated March 20, 2001, and recorded with Worcester District Registry of Deeds at Book 23817, Page 192, and as shown upon a plan entitled "Plan of Land in Hubbardston Prepared for Thomas A. Ryder et al," dated 15 August 2000 and prepared by Berry Engineering, Inc., recorded with said Deeds as Plan 30 in Plan Book 767; and 2. a parcel of land containing about 2.142 acres on the westerly side of Mount Jefferson Road opposite its intersection with Malone Road, conveyed to Dennis C. Corduck by deed of Thomas A Ryder, et als, dated April 20, 1999, and recorded with said Deeds at Book 21839, Page 42, which parcel is shown as Lot 1 upon a plan entitled " Plan of Land in Hubbardston Prepared for Thomas A. Ryder et al," dated 24 February 1999, prepared by Berry Engineering, Inc., recorded with said Deeds as Plan 25 in Plan Book 746.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Thomas A. Ryder Candice C. Ginns Janice E. Selig Nancy J. Langlois Sandra A. Ryder Heidi E. Ressa	248.897 acres, more or less

The above described property is represented upon Hubbardston Assessors Tax Maps as Parcel 104 on Map 1, and most of Parcels 53 and 57 on Map 2.

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and said to contain approximately 248.897 acres, and being most of the same premises described in a deed from Thomas A. Ryder and Safety Fund National Bank, as co-Trustees of the Floyd E. Ryder, Jr. Living Trust of August 10, 1991, to Thomas A. Ryder, Candace C. Ginns, Janice E. Selig, Nancy J. Langlois, Sandra A. LaBonte and Heidi E. Ressa, dated April 4, 1996, and recorded with Worcester District Registry of Deeds at Book 18167, Page 1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts

and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads or portions thereof, shall be permitted on said premises; provided, however, that a gravel parking area defined by wood rails and including handicapped accessible spaces, and an interpretive kiosk, may be built on said premises, and may be maintained, repaired and renovated; provided further, that all trails on the premises may be maintained, repaired and renovated; and provided further, that a new trail may be constructed on the westerly portion of the premises, to create a loop trail with an existing trail.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted; provided, however, that utilities may be provided for the parking area and the kiosk, if necessary.

3. Hunting, hiking, cross country skiing, and other passive recreational activities are allowed on both portions of said premises, that portion lying west of Mount Jefferson Road, and that portion lying east of Mount Jefferson Road. Snowmobiling, horseback riding and mountain biking (non-motorized) are allowed, but only on designated trails and only on that portion lying west of Mount Jefferson Road. Trail signage, interpretive signage, and parking signage are expressly permitted.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. Haying shall be permitted, as well as top-seeding in order to maintain an adequate crop. All hay operations shall conform to the Hay Management Plan as duly approved by the MDC and the Town of Hubbardston.

7. Timber harvesting shall be permitted in accordance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management. A land management plan for the premises shall be developed by the Town in consultation with the MDC Division of Watershed Management.

8. No tillage shall be permitted.

9. No grazing or sheltering of livestock or animals shall be permitted.

10. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted, except as detailed in the aforesaid Hay Management Plan.

11. Land that converts to early succession growth may not be reverted back to a field state.

12. All-terrain-vehicles are prohibited, and fires are not permitted.

13. Outdoor group events coordinated by the Town of Hubbardston are permitted, provided such events are not deemed detrimental to the watershed.

14. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same.

The damages awarded by the Commission to the owners of the land, are conditioned upon the immediate transfer by the owners of the fee interest in said land, once it is restricted in accordance with this order, to the Town of Hubbardston, for conservation and passive recreation purposes.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Thomas A. Ryder Candice C. Ginns Janice E. Selig Nancy J. Langlois Sandra A. Ryder Heidi E. Ressa	$ 905,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 905,000.00, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Misslin and Brooks, February 11, recommending approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on the following items on Contract No. P00-2078-M2A, with Lewis Refrigeration Corp., Inc., for Maintenance of Refrigeration Systems Located in Ice Skating Rinks Within the Metro Parks System – (the emergency work was for repairs to the Somerville Rink Bed Piping) -
Item No. 023-010 – Maintenance Service - $51,668.19
Item No. 025-010 – Materials and Parts - $ 4,497.82
Total - $56,166.01

Funding from Account No. 2440-7992.
At this point, Associate Commissioner Carr noted that the Division did not follow Commission procedures concerning this item. However, noting that this matter was of an emergency nature, he would vote for approval. He then urged that the existing policy be followed more closely in the future.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in revisions in quantities on Contract No. P00-2078-M2A
The Commission further V O T E D: to approve the revisions in quantities in the amount of $56,166.01.

1. Report of Messrs. Faucher, Misslin, Brooks and Balicki, February 8, recommending approval of Amendment No. 1, for an extension of time from April 30, 2002 to April 30, 2003, due to the need for additional work and general oversight of the construction phase, on Contract No. P00-2074-D1A, with Beta Group, Inc., for Floor Drains, Closure or Continued Use, at Various MDC Locations.
(At no additional Contract cost),
The Commission V O T E D: Approved

2. Report of Messrs. Faucher, Brooks, Misslin and Haider, February 12, recommending approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on the following items on Contract No. P01-2125-M1A, with P. J. Kennedy and Sons, Inc., for Service Maintenance of HVAC Systems at Various MDC Facilities (the emergency work was for replacement of the furnace and cracked heat exchanger at the LoConte Rink, Medford) –

Item No. 001-040 – Materials & Parts	- $23,291.00
Item No. 001-010 – Licensed Technician	- $ 2,709.00
Total	- $26,000.00

Funding from Account No. 2440-7992.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in revisions in quantities on Contract No. P01-2125-M1A.
The Commission further V O T E D: to approve the revisions in quantities in the amount of $26,000.00.
Associate Commissioner Rollins did not participate in discussion or vote on this matter.

Adjourned at 9:35 a.m., to meet on Thursday, February 21, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Sixteenth (4016th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, February 21, 2002.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Carr, as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Carr and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on February 7, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, February 12, recommending approval of an extension of time from February 2, 2002 to February 2, 2003, to handle additional work for the Commission at the former Bacon property in Saugus and Ponkapoag Golf Course in Canton, on Contract No. P00-2065-D2A, with Tighe and Bond Consulting Engineering, for Licensed Site Professional Services for Various MDC Contaminated Sites.
(At no additional Contract cost).
The Commission V O T E D: Approved.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

2. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, February 8, recommending approval of a revision in quantities on Item No. 003-005 – Bituminous Concrete Pavement and Resurfacing – at a cost of $7,500.00 – on Contract No. P95-1789-C3A, with Zenone, Inc., for Contaminated Site Cleanup at Various MDC Facilities.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 005-005 – excavation and lawful disposal of Contaminated Soil at approved recycling facilities).
The Commission V O T E D: Approved.

3. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, February 7, requesting approval of Extra Work Claim No. 5 – Carson Beach Seawall Claim – at a cost of $45,406.00 – on Contract No. P95-1784-C3A, with McCourt Construction Co., for South Boston Beaches Rehabilitation - Phase 2.
Funding from Account No. 2440-7993.
The Commission V O T E D: to approve Extra Work Claim No. 5, in the amount of $45,406.00, as requested by Mrs. Overton Bussell and Messrs. Faucher and Orfant in their report of February 7, 2002.

4. Report of Mrs. Overton Bussell and Messrs. Faucher, Misslin, Brooks and Abounaja, February 6, on bids for Emergency Fence and Decontamination Pool Construction at the Former Canton Airport in Canton, Contract No. P02-2147-C1A.

(Mrs. Overton Bussell and Messrs. Faucher, Misslin, Brooks and Abounaja recommend acceptance of the lowest bid received, that of R. Zoppo Corp., of $119,590.00)
They further request execution of the Contract.
The Commission V O T E D: to accept the lowest bid received, that of R. Zoppo Corp., of $119,590.00.
The Secretary then submitted for signature Contract No. P02-2147-C1A, dated February 21, 2002, with R. Zoppo Corp., which was signed by the Commissioner and three Associate Commissioners.
Associate Commissioner Elkort did not participate in discussion, vote on this matter or sign the contract.

1. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, February 6, requesting approval of additional funding, necessary for abatement of asbestos roofing materials from the Bernie King Pavilion, Nantasket Beach, Hull, in the amount of $25,000.00, on Contract No. P00-264-C1A, with SCS Environmental Services, for Asbestos Abatement from Various MDC Facilities.
Funds are available in Account No. 2440-4994.
The Commission V O T E D: Approved as requested by Messrs. Faucher, Misslin, Brooks and Abounaja in their report of February 6, 2002.

2. Report of Messrs. Faucher, Misslin, Brooks and Haider, February 7, recommending approval of Revision in Quantities on Item No. 001-040 – Material and Parts, in the amount of $13,923.57, on Contract No. P01-2126-M1A, with P. J. Kennedy and Sons, Inc., for Service and Maintenance to HVAC Systems at Various Flood Control and Navigational Sites.
(At no additional cost as the revision in quantity will be offset by unused quantities in Item Nos. 001-010 – Overtime License Technicians, 001-020 – Hourly Rate Licensed Technicians and 001-030 – General Plumbing).
The Commission V O T E D: Approved.
Associate Commissioner Rollins did not participate in discussion or vote on this item.

3. Report of Messrs. Faucher, Brooks, Misslin and Haider, February 7, recommending approval of Revision in Quantities on Item No. 001-040 – Parts and Materials, in the amount of $5,300.00, on Contract No. P01-2127-M2A, with Inner Space Services, Inc., for Maintenance and Service to Underwater Structures at Various Flood Control/Navigational Sites.
(At no additional cost as the revision in quantity will be offset by unused quantities in Item No. 001-020 – Diving Service Overtime).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher, Carrigan and MacLean, February 7, recommending approval of the following on Contract No. P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guardrail and Fences at Various Locations Throughout the M.D.C. Park System –

Extra Work Order No. 2	**$168,400.84**

On Revere Beach Parkway, Revere, approximately 1900' concrete
Median will be removed. Approximately 1900' of new "thrie-beam"
Guard rail will be installed before the new concrete median is installed. In addition, approximately 1700' of new "thrie-beam" guard rail will be installed in areas adjacent to the

proposed median reconstruction. The total linear measurement of new "thrie-beam" guard rail will be approximately 3,600 feet.
(At no increase in cost as the Extra Work Order will be offset by unused quantities in Various Items).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $168,400.84

1. Report of Messrs. Faucher and Hai Van Ha, February 4, recommending the following on Contract No. P01-2124-C5A, with General Air Conditioning & Heating, Inc., for Installation of New Heating and Ventilating System at Service Building of the Melnea Cass Pool, Roxbury, MA –
(a) That work be accepted as completed as of November 19, 2001.
(b) That Estimate No. 1 (Final), in the amount of $63,935.00, be approved for payment.
(c) That reserve, in the amount of $3,365.00, be approved for payment.
(Basis of Award - $67,300.00)
(Total to Date - $67,300.00)
(Contract Administration Rating – 100 (on a scale of 1 - 100)
(EEO Compliance – 4.33 (on a scale of 1 – 5)
The Commission V O T E D: that the work of General Air Conditioning & Heating, Inc., Contractor under Contract No. P01-2124-C5A, be and hereby is accepted as completed as of November 19, 2001.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $63,935.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $3,365.00, for payment.

2. Report of Messrs. Faucher, Misslin, Brooks and Martinez, February 12, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P02-2159-C1A, for Miscellaneous Structural Repairs at Various MDC Pools.
Estimated Cost - $82,000.00.
Time for Construction – four weeks.
Account No. 2440-7992.
The Commission V O T E D: Approved.
The Commission further V O T E D: permission to advertise Project No. P02-2159-C1A, for Miscellaneous Structural Repairs at Various MDC Pools.

3. Report of Messrs. Faucher, Misslin, Brooks and Balicki, February 19, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P02-2155-C1A, to Waterblast, Patch, Caulk & Paint Swimming Pools at Various Locations.
Estimated Cost - $172,799.00.
Time for Performance – twelve weeks.
Account No. 2440-7992.
The Commission V O T E D: Approved.

The Commission further V O T E D: permission to advertise Project No. P02-2155-C1A, to Waterblast, Patch, Caulk & Paint Swimming Pools at Various Locations.

Action was taken upon the following items relating to the Watershed Management Division:

1. Report of Mr. McGinn, February 11, submitting for approval and signature Quabbin Park Cemetery Deed No. Q-1746, conveying Lot No. 1649, to Dorothy M. Ewell.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No.Q-1746, which was signed by the Acting Commissioner and three Associate Commissioners.

2. Report of Mr. McGinn, February 11, submitting for approval and signature Quabbin Park Cemetery Deed No. Q-1745, conveying Lot No. 1648, to Sandra L. Holzhauer.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No.Q-1745, which was signed by the Acting Commissioner and three Associate Commissioners.

Action was taken upon the following Various Matter:

3. Report of Mrs. Overton Bussell and Mr. Collette, February 21, requesting that the Commission approve and adopt certain amendments and revisions to the MDC Commercial Driver's License Holders Drug/Alcohol Testing Policy.
The Commission V O T E D: Held Over.

Action was taken upon the following matters relating to the Office of General Counsel:

4. Report of Ms. Murphy, February 21, recommending that the Commission adopt an Order of Taking for approximately 61 acres owned by Gordon P. and Barbara A. Hamilton, located in the Town of Templeton, Massachusetts, and to approve an award of damages in the amount of $65,000.00 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for approximately 61 acres owned by Gordon P. and Barbara A. Hamilton, located in the Town of Templeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, February 21, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby

take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Templeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of rear land in the said Town of Templeton, lying easterly of South Road and westerly of French Road, also known as Old Templeton Road, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein being described, and the southeasterly corner of the remaining lands of the supposed owners listed below, at a point in line of several stone wall segments marking the approximate location of the Templeton-Hubbardston Corporate Line, said point lying about 1950 feet from the stone wall marking the easterly line of South Road in Templeton and Root Road in Hubbardston, and, in the northerly line of land, in Hubbardston, now or formerly, of Lawrence Seligman (see Worcester District Registry of Deeds Book 4959, Page 126), said point being specifically located N. 65° 33’ 17” E., 249.15 feet from a drill hole found in the northeasterly end of the long stone wall segment, referenced above, running to the easterly line of Root Road/South Road;

Thence N. 24° 56’ 48” W., 861.21 feet, by the remaining land of the supposed owners listed below, to a drill hole set in a stone wall corner, at the southeasterly corner of land, now or formerly, of Paul L. Grubb (see the deed recorded with said Deeds at Book 21093, Page 379);

Thence N. 21° 13’ 09” W., 72.61 feet, along the stone wall and by land now or formerly, of P. R. Grubb, to another drill hole set at the northerly end of the wall segment;

Thence N. 24° 33’ 01” W., 714.04 feet, by the easterly line of the last named abutter, to a point at a drill hole found in another stone wall corner, marking the southeasterly corner of land, now or formerly, of Robert M. & Anne C. Fini (see the deed recorded with said Deeds at Book 17070, Page 277) and the southwesterly corner of land, supposed to be, of the Trustees of the Boynton Public Library;

Thence N. 64° 17’ 27” E., 1950.44 feet, by land, supposed to be, of said Library Trustees, crossing Canesto Brook and running to a 16 inch blazed twin butt dead beech tree at land, now or formerly, of Roland & Martha J. Baillargeon (see the deed recorded with said Deeds at Book 7660, Page 153);

Thence N. 67° 24’ 25” E., 331.93 feet, by land of the last named abutters to a field stone bound at a corner, near the base of an 18 inch blazed dead hemlock tree, said corner being the northeasterly corner of the parcel herein being described;

Thence S. 20° 38’ 52” E., 266 feet, by land, now or formerly, of R. & M. J. Baillargeon, to a point in a stone cairn found at the northwesterly corner of land, now or formerly, of Osmo Penttinen (see the deed recorded with said Deeds at book 4619, Page 557);

Thence S. 20° 38’ 52” E., 548.45 feet, by land, now or formerly, of Penttinen running by and through a wire fence and a stone wall segment, and running to a drill hole found at another corner in the easterly end of the stone wall marking the northerly line of a subdivided lot of land, now or formerly, of Lance W. Laine (see the deed recorded with said Deeds at Book 14490; Page 305);

Thence S. 66° 10’ 20” W., 451.27 feet, by the stone wall, to another drill hole found at a point in its westerly end;

Thence S. 66° 00’ 42” W., 640.20 feet, by land, now or formerly, of L.W. Laine, along a wire fence, to a field stone bound found marking the northwesterly corner of said abutters lot;

Thence S. 12° 01’ 55” E., 464.91 feet, by the westerly line of two subdivided lots of land, now or formerly of the aforesaid Lance W. Laine, and, of Tammy J. Laine (see the deed recorded with said Deeds at Book 14490, Page 304), and partially by a third lot, now or formerly, of Lloyd D. & Deidra A. Laine (see the deed recorded with said Deeds at Book 14490, Page 306) running along a wire fence, through two iron pipes set to mark the several lot corners, and running to another drill hole found in the northerly end of another stone wall segment;

Thence S. 11° 25’ 02” E., 300.90 feet, by and through the stone wall segment, through another iron pipe corner marker and continuing through another wall segment, to another drill hole found at its southerly terminus, this course being partially by land, now or formerly, of L. D. & D.A. Laine and partially by land, now or formerly, of Leonard R. & Rhonda L. Laine (see the deed recorded with said Deeds at Book 14490, Page 303 and the plan recorded as Plan 66 in Plan Book 662);

Thence S. 12° 06’ 50” E., 170.88 feet, partially by land, now or formerly, of L.R. & R.L. Laine and partially by land, now or formerly, of Lawrence P. Laine (see the deed recorded with said Deeds at Book 13235, Page 169 and the plan recorded as Plan 105 in Plan Book 645) running across a gap to another drill hole found in the northerly end of another wall segment, and by said wall segment, to another drill hole found in a stone wall corner, said corner being the southeasterly corner of the parcel herein being described, and the northeasterly corner of abutting land, in Hubbardston, now or formerly of the aforesaid Lawrence Seligman, said drill hole being in or near the Templeton-Hubbardston Corporate Line;

Thence S. 64° 48' 15" W., 236.08 feet, by the stone wall and the assumed Town Line, to another drill hole found in the westerly terminus of the wall;

Thence S. 65° 33' 17" W., 693.92 feet, along a wire fence, by the assumed Town Line and land, now or formerly of L. Seligman, re-crossing Canesto Brook, and running to the first mentioned point at the southwesterly corner of the parcel herein being described, being the point and place of beginning.

Containing 60.982 acres, more or less, as shown upon a plan entitled "Plan Of Land Prepared For Acquisition By The Metropolitan District Commission (Owners: Gordon P. & Barbara A. Hamilton) Templeton, MA", dated January 16, 2002, prepared by Szoc Surveyors, Brian M. Szoc R.P.L.S., 32 Pleasant Street Gardner MA, which plan is to be recorded with Worcester District Registry of Deeds, at a later date, and be made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the easterly and rear portion of the same premises described in a deed from Richard Beauregard to Gordon Hamilton, dated 22 April 1980 and recorded with the Worcester District Registry of Deeds at Book 6972, Page 183, and also being the easterly and rear portion of the same premises described in a deed from Gordon P. Hamilton to Gordon P. Hamilton and Barbara A. Hamilton, dated 1st July 1996 and recorded with Worcester District Registry of Deeds at Book 18142, Page 98.

The above-described property is represented upon Templeton Assessors Tax Map 2-15 as the easterly portions of Parcels 8.1 and 2.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Gordon P. Hamilton Barbara A. Hamilton	$ 65,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $65,000.00 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, February 19, submitting for approval expenditure of $ 250,000.00 in Open Order Contract No. GC02-0001, for Appraisal, Title, Engineering and Related Services for Park Land Acquisition FY/01 - Middlesex, Suffolk, Norfolk, Essex and Plymouth Counties.
Account Nos. 2440-8886 and 2420-1420, under Section 2 of Chapter 15 of the Acts of 1996 (Open Space Bond) and Section 2E of Chapter 236 of the Acts of 2000.
The Commission V O T E D: Approved.

2. Report of Mr. Gray, February 19, submitting for approval expenditure of $ 300,000.00 in Open Order Contract No. GC02-0002, for Appraisal, Title, Engineering and Related Services for Watershed Land Acquisition FY/02 - Worcester and Franklin Counties.
Account No. 2421-9936, under Sections 6 and 12 of Chapter 36 of the Acts of 1992 (Cohen Bill), as amended.
The Commission V O T E D: Approved.

Adjourned at 9:25 a.m., to meet on Thursday, February 28, 2002 at 9:00 a.m.

William J. [illegible]
Secretary

Record of the Four Thousand Seventeenth (4017th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, February 28, 2002.

Present, Commissioner Balfour and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on February 14, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract No. P02-2148-C1A, dated February 28, 2002, with GVW, Inc., for Window Replacement at Charles River Dam Facility.

2. Contract No. P02-2145-C1A, dated February 28, 2002, with SPS New England, Inc., for Armory Bridge Scour Repair, Medford.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Mr. Faucher and Mrs. Graves Jones, February 13, recommending approval of a revision in quantities on Item No. 003-010 – 4 inch Reflectorized line (thermoplastic) – in the amount of $39.26, on Contract No. P00-2080-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of MDC.
(At no additional Contract cost as the revision will be offset by unused quantities in Item No. 001-010 – four inch Reflectorized lines (paint).
The Commission V O T E D: Approved

4. Report of Messrs. Faucher and McCalla, February 15, recommending approval of revisions in quantities on Contract No. P00-2030-M1A, with Coviello Electric and General Contracting Co., Inc., for Maintenance of Street Lighting Systems on MDC Parkways, Roadways and Properties at Various Locations, as follows –

Item No. 010-010 – Photo Cell (Twist Lock)	$ 1,248.00
Item No. 024-010 – Material, Comp. & Parts	$10,000.00
Total -	$11,248.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 019-010 – Hourly Labor Rate for Licensed Electrician's Helper).
The Commission V O T E D: Approved

5. Report of Messrs. Faucher and Balicki, February 4, recommending the following on Contract No. P00-2104-C1A, with R. Zoppo Corporation, for Tidal Gate Repairs, Blacks Creek/Greenberg Bridge, Quincy –
(a) That work be accepted as completed as of December 15, 2001.
(b) That Estimate No. 5 (Final), in the amount of $42,251.32, be approved for payment.
(c) That reserve, in the amount of $10,737.48, be approved for payment.
(Basis of Award - $199,400.00)

(Amount to Date - $214,749.65)
(Contract Performance Rating – 4.00)
(EEO Compliance – 3.83)
The Commission V O T E D: that the work of R. Zoppo Corporation, Contractor under Contract No. P00-2104-C1A, be and hereby is accepted as completed as of December 15, 2001.
The Commission further V O T E D: to approve Estimate No. 5 (Final), in the amount of $42,251.32, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $10,737.48, for payment.

1. Report of Messrs. Faucher and Orfant, February 21, requesting approval to solicit proposals for bidding and construction services for the Neponset River Reservation Salt Marsh Restoration Project, at an estimated cost of $10,000.00. (Execution of any contract for these services will be subject to successful. completion of an Interagency Services Agreement with the Corporate Wetlands Restoration Program and the subsequent availability of the required funding).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Orfant, in their report of February 21, 2002

2. Report of Messrs. Faucher and Lenhardt, February 19, requesting approval of Assignment No. 10, to SPS New England and Extra Work Order No. 4 – for structural repairs to Bowker Interchange, (Contract No. P99-1989-C1J) – at a cost of $148,410.81 on Master Service Contract No. P99-1989-C1A, for Emergency Standby for Bridge Repair.
Funding from Account No. 2490-0012.
The Commission V O T E D: Approval of Assignment No. 10, to SPS New England and Extra Work Order No. 4 – for structural repairs to Bowker Interchange, (Contract No. P99-1989-C1J) – at a cost of $148,410.81 on Master Service Contract No. P99-1989-C1A, for Emergency Standby for Bridge Repair, as requested by Messrs. Faucher and Lenhardt in their report of February 19, 2002

3. Report of Messrs. Faucher and Lenhardt, February 22, requesting approval of Extra Work Order No. 3 – to replace ten gear wheels, re-machine three gear wheels and related work – at a total cost of $52,766.25 – on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item Nos. 006-010 – Granite Curb Removed and Reset and 019-010 – Bituminous Concrete, Base Course).
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $52,766.25

4. Report of Messrs. Faucher, Brooks and Gabra, February 25, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P01-2124-C4A, for Demolition and Replacement of Existing Roof System at the Service Building of Melnea Cass Swimming Pool, Roxbury.
Estimated Cost - $145,000.00.
Time for Performance – Thirty days.

Funding from Account No. 2440-7992.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P01-2124-C4A. for Demolition and Replacement of Existing Roof System at the Service Building of Melnea Cass Swimming Pool, Roxbury

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Pula, February 22, recommending that the Commission, due to an error in stated amount of minimum bid set which has now been clarified to be $4,500.00 for Timber Lot Sale No. 4307, rescind its vote of January 10, 2002 in which it rejected the $4,600.00 bid of T. Jepson & Son, for Timber Lot Sale No. 4307, and award Timber Lot Sale No. 4307 to T. Jepson and Son with a bid of $4,600.00.
The Commission V O T E D: to rescind its vote of January 10, 2002 in which it rejected the $4,600.00 bid of T. Jepson & Son, for Timber Lot Sale No. 4307, and award Timber Lot Sale No. 4307 to T. Jepson and Son with a bid of $4,600.00, as recommended by Messrs. McGinn and Pula in their report of February 22, 2002

Action was taken upon the following Various Matter:

2. Report of Mrs. Overton Bussell and Mr. Collette, February 21, requesting that the Commission approve and adopt certain amendments and revisions to the MDC Commercial Driver's License Holders Drug/Alcohol Testing Policy.
The Commission V O T E D: to approve and adopt certain amendments and revisions to the MDC Commercial Driver's License Holders Drug/Alcohol Testing Policy, as requested by Mrs. Overton Bussell and Mr. Collette in their report of February 21, 2001.

Adjourned at 9:35 a.m., to meet on Thursday, March 7, 2002 at 9:00 a.m.

Thomas P. Gray
for Secretary

Record of the Four Thousand Seventeenth (4018th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, March 7, 2002.

Present, Commissioner Balfour and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on February 21, 2002, were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Contract, dated March 7, 2002, with Health Resources Corporation, for Providing Medical Evaluation Services.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and DiPietro, February 26, submitting for approval Work Schedule Project Summary, Project Justification and requesting authorization to procure services for Project No. P95-1798-M4A, for Control of Nuisance Vegetation, Upper Mystic Lake.
Upset Limit - $25,000.00.
Time for Performance – May 25, 2002 to December 31, 2003.
Funding from Account No. 2410-1500.
The Commission V O T E D: Approved.
The Commission further V O T E D: requesting authorization to procure services for Project No. P95-1798-M4A, for Control of Nuisance Vegetation, Upper Mystic Lake.

3. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Miss Peterson, February 20, recommending approval of a revision in quantities on Item No. 02720-8 – Chain Link Fence – Black Vinyl, 5 Ft. High – in the amount of $2,250.00, on Contract No. PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton.
Funding from Account No. 2420-8961.
The Commission V O T E D: Approved

4. Report of Mr. Faucher and Mrs. Pomorska, February 20, recommending approval of revisions in quantities on Contract No. P00-2033-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signals and Control Systems in Middlesex Fells and Revere Beach Districts, as follows –

Item No. 003-020 Traffic Signal Knockdown Repair	**$1,400.00**
Item No. 004-010 Repair Labor Rate for Licensed Electrician	**$5,643.00**
Total	**- $7,043.00**

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 007-010, 007-020, 011-010, 011-020, 014-009 and 018-010).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and Lenhardt, March 1, requesting approval of Assignment No. 11, to SPS New England – for repairs to Wood's Memorial Bridge (Contract No. P99-1989-C1K) – at a cost of $6,285.80 on Master Service Contract No. P99-1989-C1A, for Emergency Standby for Bridge Repair.
Funding for repairs from Account No. 2490-0012.
The Commission V O T E D: Approved

2. Report of Messrs. Faucher, Misslin, Brooks and Sodano, February 25, recommending approval of an extension of time from January 23, 2002 to May 10, 2002, due to delays in receiving electrical equipment on Contract No. P01-2117-C2A, with All Star Construction, for Pump Station Rehabilitation work to Storrow Drive West Side Pump Station at Berkeley Street, Boston.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from January 23, 2002 to May 10, 2002, as recommended by Messrs. Faucher, Misslin, Brooks and Sodano in their report of February 25, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

3. Report of Mr. Faucher and Mrs. Graves-Jones, February 25, recommending approval of revisions in quantities on Contract No.P00-2032-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts, as follows –

Item No. 003-020	**$1,050.00**
Traffic Signal Knockdown Repair	
Item No. 004-030	**$1,332.00**
Labor Rate for Helper for Misc. Repair	
Item No. 014-010	**$ 140.00**
Traffic Signal Wire (T.F.F. #18)	
	Total - $2,522.00

At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 004-010 – Labor Rate for Licensed Electrician and 016-010 – General Purpose Wire (X.H.H.W. #14).
The Commission V O T E D: Approved

4. Report of Messrs. Faucher and Soroka, February 20, recommending approval of revisions in quantities on Contract No. P00-2034-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Charles River Basin Districts, as follows –

Item No. 002-020	**$ 512.00**
Maintenance for Traffic Control Devices	
Item No. 003-010	**$1,375.00**
Flashing Traffic Control Device Knockdown Repair	
Item No. 004-030	**$1,517.00**
Labor Rate for Helper Misc. Repair	
Item No. 005-010	**$1,182.00**
Hourly Labor Rate for Vehicle for Misc. Repair	

Item No. 010-010 Traffic Signal Metal Base Octagonal	**$ 140.00**
Item No. 014-010 Traffic Signal Wire TFF #18	**$ 35.75**
	Total - $4,761.75

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 004-010, 016-010 and 018-010).
The Commission V O T E D: Approved

1. Report of Messrs. Faucher and Lenhardt, February 26, recommending approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on Contract No. P00-2073-M1A, with RMH Electric Co., for Maintenance of Mechanical/Electrical Systems for Three MDC Drawbridges, as follows –

Item No. 002-010 Emergency Serv.	**$ 1,125.00**
Item No. 003-010 Non-Emergency Serv.	**$ 5,940.00**
Item No. 004-010 Materials - Parts	**$ 3,960.00**
	Total - $11,025.00

Funding from unused quantities in the amount of $9,260.00 from unused quantities in Item Nos. 001-010 – Semi Annual Inspection and 005-010 – Traffic Control Services.
The additional funding in the amount of $1,765.00 is available in Account No. 2410-1800.
The Commission V O T E D: to approve action of Deputy Commissioner Faucher which resulted in revisions in quantities on Contract No. P00-2073-M1A.
The Commission further V O T E D: to approve the revisions in quantities in the amount of $11,025.00.

2. Report of Messrs. Faucher, Misslin, Brooks, Kane and Martinez, March 1, requesting approval of an extension of time from December 14, 2001 to June 30, 2002, due to the need for extra work, on Contract No. P02-2138-C1A, with E. A. Colangeli Construction Co., for Construction of Visitors Center Foundation and Maintenance Building, Breakheart Reservation, Saugus.
The Commission V O T E D: to approve an extension of time from December 14, 2001 to June 30, 2002, as requested by Messrs. Faucher, Misslin, Brooks, Kane and Martinez in their report of March 1, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Kirwin, February 22, on bids for Traffic Safety Improvements, Morton Street, Boston – 3 Locations, Contract No. P02-2150-C1A.
(Messrs. Faucher and Kirwin recommend acceptance of the lowest bid received, that of Mario Susi & Son, Inc./Susi Brothers LLP of $852,124.57).
The Commission V O T E D: to accept the lowest bid received, that of Mario Susi & Son, Inc./Susi Brothers LLP of $852,124.57.

1. Report of Messrs. Faucher and McCalla, February 28, on bid for Maintenance of Street Lighting Systems on MDC Parkways, Roadways and Properties, Contract No. P02-2139-M2A. (Messrs. Faucher and McCalla recommend acceptance of the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $655,490.00)
They further request execution of the Contract by the Commission).
The Commission V O T E D: to accept the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $655,490.00.
The Secretary then submitted for signature Contract No. P02-2139-M2A, dated March 7, 2002, with Coviello Electric and General Contracting Co., Inc., which was signed by the Commissioner and three Associate Commissioners.

2. Report of Messrs. Faucher, Misslin, Brooks and Martinez, February 22, on bids for Demolition of the Bernie King Pavilion, Nantasket Beach, Hull, Contract No. P02-2153-C1A.
(Messrs. Faucher, Misslin, Brooks and Martinez recommend acceptance of the lowest bid received, that of McConnell Enterprises, Inc., of $19,870.00).
The Commission V O T E D: to accept the lowest bid received, that of McConnell Enterprises, Inc., of $19,870.00.

Action was taken upon the following Various Matters:

3. Report of Mr. Jewett, February 28, recommending approval of a Contract for professional real estate relocation services under Open Order Contract No. GC02-0001, for Real Estate Relocation Services (Appraisal, Title, Engineering and Related Services for Park Land Acquisition FY01 – Middlesex, Suffolk, Norfolk, Essex and Plymouth Counties), as follows –

NAME	**VALUE**	**PARCELS**
Relocation Consultants 50 Harvard Street Charlestown, MA 02129	$8,800.00	2

Parcel #P-000293 – SBD Corporation, Dorchester - @1.2 acres
(Account No. 2420-1420)
Parcel #P-000460 – Super Petroleum, Stoneham - @ 1.29 acres
(Account No. 2440-8886)

Mr. Jewett further requests authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.
The Commission V O T E D: Approved as recommended by Mr. Jewett in his report of February 28, 2002.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.

4. Report of Mr. Jewett, March 4, recommending approval of a Contract for Professional Real Estate Title Examination Services under Contract No. GC02-0001, FY2002 Park Land Acquisition Program, as follows –

NAME	**VALUE**
Marsh, Moriarity, Ontell & Dacey, P.C. 18 Tremont Street, Suite 900 Boston, MA 02108	$15,000.00

Mr. Jewett further request authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.
The Commission V O T E D: Approved as recommended by Mr. Jewett in his report of March 4, 2002.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.

1. Report of Mr. Doak, March 4, requesting approval of a five-year extension to the Permit Agreement with Michael Wortis, d/b/a, MFW, Inc., to provide professional golf services at Leo J. Martin Golf Course to be authorized on a one-year basis at the option of the Commission starting on March 24, 2002.
Compensation will be $64,795.50 - a 5% increase for year one.
The Commission V O T E D: Approved.

Adjourned at 9:25 a.m., to meet on Thursday, March 14, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Nineteenth (4019th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, March 14, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

As Secretary Chisholm was not available for today's Meeting, Thomas P. Gray, MDC General Counsel was designated Acting Secretary for today's Meeting.

The Records of the Commission Meeting held on February 28, 2002, were read and approved.

The Acting Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract No. P01-2130-C1A, dated March 14, 2002, with All Star Construction, for Muffler (s) Replacement at the Amelia Earhart Dam.

2. Contract No. P02-2150-C1A, dated March 14, 2002, with Mario Susi & Son, Inc./Susi Bros. LLP, for Safety Improvements at Location 1 – Morton Street and West Selden Street, Boston, Location 2 – Morton Street and Evans Street, Boston, Location 3 – Morton Street and Norfolk Street, Boston.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Lenhardt, March 1, requesting approval of Assignment to SPS New England and Extra Work Orders for Repairs to Winthrop Avenue Bridge (Contract No. P99-1989-C1L) on Master Service Contract No. P99-1989-C1A, for Emergency Standby for Bridge Repair, as follows –
Assignment No. 12, including Extra Work Order No. 5 – Temporary Concrete Barriers, in the amount of $11,080.96 and Extra Work Order No. 6 – Railroad Services, in the amount of $15,213.42, will be **$184,513.11.**
Account No. 2490-0012.
The Commission V O T E D: Approved as requested by Messrs. Faucher and Lenhardt in their report of March 1, 2002.

4. Report of Messrs. Faucher, Brooks and Balicki, March 5, requesting approval of revisions in quantities on Contract No. P02-2160-C1A, with D'Allesandro Corp., for Emergency Repairs to Low Pressure Water Line, Charles River Dam, as follows –

Item No. 2510.2.01	– D .I. Fittings	$ 560.00
Item No. 2000	- Excavation	$ 182.00
Item No. 2100.2A	- Pea-Stone	$ 275.00
	Total -	$1,017.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 2510.2.02 – Water Pipe Insulation and 2510.2.01 – Ductile Iron Water Pipe).

The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, DiPietro and Galvin, March 5, requesting approval of Amendment No. 1, for an extension of time from March 31, 2002 to March 31, 2003, due to various delays, on Contract No. P83-1250-S2A, with Camp Dresser and McKee, Inc., for Study and Conceptual Design for the Upper Mystic Lake Dam.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Lenhardt, March 5, recommending approval of Extra Work Order No. 4 – for repairs to existing electric motors for phase I – at a cost of $1,642.33 – on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item Nos. 006-010 – Granite Curb Removed and Reset and 008-010 – Cement Concrete in Front of Curb).
The Commission V O T E D: to approve Extra Work Order No. 4, in the amount of $1,642.33.

3. Report of Messrs. Faucher and McCalla, February 21, recommending approval of a revision in quantities on Item No. 6 – Materials, Components, Parts and Equipment – at a cost of $14,913.82, on Contract No. P00-2057-M1A, with Coviello Electric and General Contracting Co., Inc., for Electrical, Electronic and Sound System Maintenance at Spots Facilities, Recreation Areas and MDC Buildings throughout the Metropolitan District.
(Funding from unused quantities in the amount of $6,847.27 from unused quantities in Item No. 2 – Hourly Rate for Technician and Item No. 4 – Hourly Rate for Vehicle. The additional funding in the amount of $8,066.55 is available in Account No. 2440-2000NN.
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and McCalla, February 22, recommending approval of revisions in quantities on Contract No. P00-2057-M1A, with Coviello Electric and General Contracting Co., Inc., for Electrical, Electronic and Sound System Maintenance at Sports Facilities, Recreation Areas and MDC Buildings throughout the Metropolitan District, as follows –

Item No. 5 – Hourly Rate for Power Staging	**$ 500.00**
Item No. 6 – Materials, Components, Parts & Equipment	**$5,976.18**
	Total - $6,476.18

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 2 – Hourly Rate for Technician and 4 – Hourly Rate for Vehicle).
The Commission V O T E D: Approved.

5. Report of Messrs. Faucher, Carrigan and MacLean, March 5, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No.P01-2101-C3A, for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area.
Time for Performance – eight weeks.
Value of Project - $200,000.00.
Account No. 2490-0010.

The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P01-2101-C3A, for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area.

1. Report of Messrs. Faucher and Thurlow, March 7, requesting approval of a revision in quantities on Item No. 002-002 – Additional Planting – in the amount of $8,161.92, on Contract No. P92-1628-C9A – 2000 & 2001, with Northern Tree Service for Parkway Landscape Improvements.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 001-009 – Traffic Allowance).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Misslin, Brooks, Martinez and Kane, March 5, requesting approval of Extra Work Order and Revision in Quantities on Contract No. P02-2138-C1A, with E. A. Colangeli Construction Co., Inc., for Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus, as follows –
Extra Work Order No. 1 – to provide engineering and work force to fabricate and erect trusses, to build a masonry chimney and install seamless metal roofing at Visitors Center – at a cost of **$183,408.47.**
Revision in Quantity on Item No. 01-03300.1 – Reinforced Concrete Slab – in the amount of **$1,862.25**.
Funding available in Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $183,408.47.
The Commission further V O T E D: to approve the Revision in Quantity on Item No. 01-03300.1, in the amount of $1,862.25.

3. Report of Messrs. Faucher, Carrigan and MacLean, March 5, recommending approval of Revisions in Quantities on Contract No. P01-2101-C2A, with R. Zoppo Corporation, for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area, as follows –

Item No. 001-010 Rebuilding of Deteriorated Catch Basins and Manholes (Excluding Cost of Castings)	**$55,000.00**
Item No. 002-010 Furnishing and Installing New Frames and Grates/Covers	**$ 1,800.00**
Item No. 003-010 Cleaning Drainage Pipe	**$ 200.00**
Total -	**$57,000.00**

(Funding is available in Account No. 2490-0010).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Carrigan and MacLean, March 8, recommending approval of Extra Work Order No. 1, on Contract No. P01-2101-C2A, with R. Zoppo Corporation, for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area, as follows –

Extra Work Order No. 1	**$6.696.04**
To account for 13 days of additional work being added to this Contract, Item 005-010, 'Safety and Traffic Controls for Construction Operations' (a lump sum item), had to be increased.	

(Funding is available in Account No. 2490-0010).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $6,696.04.

2. Report of Messrs. Faucher and Trzcinski, March 6, on bids for Repairs to Land Blvd. Bridge, Contract No. P02-2136-C1A.
(Messrs. Faucher and Trzcinski recommend acceptance of the lowest bid received, that of N.E.L. Corporation, of $282,430.00).
The Commission V O T E D: to accept the lowest bid received, that of N.E.L. Corporation, of $282,430.00.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Messrs. McGinn and Kane, March 4, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. WM94-003-C1A, for Remedial Repairs/Improvements for Public Safety Considerations, Beaman Street Bridge, West Boylston.
Estimated Cost - $900,000.00.
Time for Performance – six months from Notice to Proceed.
Account No. 2490-2001.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM94-003-C1A, for Remedial Repairs/Improvements for Public Safety Considerations, Beaman Street Bridge, West Boylston.

4. Report of Messrs. McGinn and Baratta, November 30, 2001, recommending the following on Contract No. WM95-060-C1A, with R. Bates & Sons, Inc., for Construction of Innovative & Alternative On-Site Septic Systems, Holden and West Boylston –
(a) That work be accepted as completed as of November 1, 2001.
(b) That reserve, in the amount of $19,946.48, be approved for payment.
(Basis of Award - $462,700.00)
(Amount to Date - $398,929.50)
(Contract Performance Rating – 4.60)
((EEO Compliance – 4.60)
The Commission V O T E D: that the work of R. Bates & Sons, Inc., Contractor under Contract No. WM95-060-C1A, be and hereby is accepted as completed as of November 1, 2001.

The Commission further V O T E D: to approve release of reserve, in the amount of $19,946.48, for payment

1. Report of Messrs McGinn and Clifford March 6, requesting the following on Contract No. WM02-032-M1A, with Woodford Brothers, Inc., for Stillwater Farm Sill Replacement.

1. Approval of the action of Director McGinn resulting in Extra Work Order No. 1, for the replacement of the corner supports – at a cost of $2,600.00.

2. Acceptance of the work performed under this Contract as complete and acceptable, in accordance with the approved contract specifications and requirements.

3. Approval of the Final Payment to the Contractor in the full amount of $19,582.00.

The Commission V O T E D: to approve of the action of Director McGinn which resulted in Extra Work Order No. 1, on Contract No. WM02-032-M1A.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of $2,600.00.
The Commission further V O T E D: that the work of Woodford Brothers, Inc., Contractor under Contract No. WM02-032-M1A, be and hereby is accepted as completed in accordance with the approved contract specifications and requirements.
The Commission further V O T E D: to approve Final Payment to the Contractor, in the full amount of $19,582.00.

Action was taken upon the following Various Matter:

2. Report of Mr. Jewett, March 11, recommending award of the following nine (9) Contract-Agreements for Open Order Contract No. GC02-0002, for Professional Real Estate Appraisal Services (Watershed Land Acquisition Program FY02/FY03) –

Name	Value	Assignments
Reynolds Company 304 Victory Road Quincy, MA 02171-3122	$ 46,100	13
Meredith & Grew, Inc. 160 Federal Street Boston, MA 02110-1701	$ 56,200	16
O'Connor Real Estate Associates, Inc. 48 Franklin St. P.O. Box 1211 Westfield, MA 01086-1211	$ 46,000	15

Name	Value	Assignments
E.W.H. Anderson Real Estate Valuation & Preservation 20 Dana Road Petersham, MA 01366	$ 37,600	16
Foster Appraisal & Consulting Company, Inc. 100 Erdman Way Leominster, MA 01453	$ 12,100	3
G & M Valuation 10 Marigold Avenue Wellesley, MA 02482	$ 52,000	18
Steven C. Byrnes Associates, Inc. 500 West Boylston Street Worcester, MA 01606	$ 3,600	3
ILS/Tyburski Appraisal Corporation 7 Foster Street Quincy, MA 02169	$ 23,200	8
Levitch Associates P.O. Box 1553 Greenfield, MA 01301	$ 3,185	3

Mr. Jewett further requests authorization for Commissioner Balfour to execute the Contract-Agreements on behalf of the Commission.
(Funds are available in Account No. 2421-9936).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract-Agreements on behalf of the Commission.

Adjourned at 10:15 a.m., to meet on Thursday, March 21, 2002, at 9:00 a.m.

Secretary

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Record of the Four Thousand Twentieth (4020th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, March 21, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

As Secretary Chisholm was not available for today's Meeting, Thomas P. Gray, MDC General Counsel was designated Acting Secretary for today's Meeting.

The Records of the Commission Meeting held on March 7, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Misslin, Brooks and Haider, March 12, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2163-C1A, for Replacement of 5 Ton Natural Gas Absorption Chillers Location Ponkapoag Golf course, Canton, MA.
Estimated Cost - $40,000.00.
Time for Performance – 6 weeks.
Account No. 2440-4420
(Funding for Fiscal Year 2002 contingent upon sufficient funds being made available through the annual budgetary appropriation process).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2163-C1A, for Replacement of 5 Ton Natural Gas Absorption Chillers Location Ponkapoag Golf course, Canton, MA.
Associate Commissioner Elkort did not participate in discussion or vote on this matter

Commission
Meeting of 4 11.02
Voted to amend
vote by adding
an additional
$10,000.00, thereby
bringing the total
Cost to $50,000.00
due to need
for additional
work

2. Report of Messrs. Faucher, Misslin, Brooks and Haider, March 8, recommending approval of revision in quantities on Contract No. P01-2126-M1A, with P. J. Kennedy and Sons, Inc., for Service and Maintenance to HVAC Systems at Various Flood Control and Navigational Sites, as follows –
Item No. 001-040 – Materials and Parts - **$3,714.45**
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 001-010 – Hourly Rate for Licensed Technicians).
The Commission V O T E D: Approved.
Associate Commissioner Rollins did not participate in discussion or vote on this item.

3. Report of Messrs. Faucher, DiPietro and Galvin, March 13, on bids for Wollaston Beach Seawall Rehabilitation in Quincy, Contract No. P94-1713-C1A.
(Messrs. Faucher, DiPietro and Galvin recommend acceptance of the lowest bid received, that of Jay Cashman Inc., of $2,835,840.00).
The Commission V O T E D: to accept the lowest bid received, that of Jay Cashman Inc., of $2,835,840.00.

1. Report of Messrs. Faucher, Kirwin and Mrs. Graves Jones, March 6, on bids for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC, Contract No. P01-2132-M1A.
(Messrs. Faucher, Kirwin and Mrs. Graves Jones recommend acceptance of the lowest bid received, that of Hi-Way Safety Systems, Inc., of $187,640.00).
The Commission V O T E D: to accept the lowest bid received, that of Hi-Way Safety Systems, Inc., of $187,640.00.

2. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs.O'Brien and Ms. Peterson, March 13, recommending approval of Extra Work Order No. 8, on Contract No. PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton, as follows –
Extra Work Order No. 8 **$5,600.50**
Modify existing pattern work and supply new pattern work required for the fabrication of new steel pipe rail that will be installed along the Lower Neponset River Trail.
(Funding is available in Account No. 2420-8961).
The Commission V O T E D: to approve Extra Work Order No. 8, in the amount of $5,600.50.

3. Report of Messrs. Faucher, Carrigan and MacLean, March 14, recommending approval of Extra Work Order No. 4, on Contract No. P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guardrail and Fences at Various Locations Throughout the M.D.C. Park System, as follows –
Extra Work Order No. 4 **$3,600.00**
Installation of used 30'double-leaf closure gate, one used swivel post, and two used locking posts, necessary to stop people from trespassing and illegally dumping debris in an area next to the Revere Beach Parkway in Everett, adjacent to the Route 99 overpass.
(At no increase in Contract cost as the Extra Work will be offset by unused quantities in Item No. 045-010 – Furnish and Install Treated 4"x 10" Wood Guard Rail on 8"x 8" Treated Wood Posts).
The Commission V O T E D: to approve Extra Work Order No. 4, in the amount of $3,600.00.

4. Report of Messrs. Faucher, Carrigan and MacLean, March 14, recommending approval of Revision in Quantities, on Contract No. P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guardrail and Fences at Various Locations Throughout the M.D.C. Park System, as follows –
Item No. 055-010 **$4,592.94**
Repair or Replace Black Vinyl-clad Chain Link Fence 4' to 4'6" High
(At no increase in Contract cost as the Revision will be offset by unused quantities in Item No. 045-010 – Furnish and Install Treated 4"x 10" Wood Guard Rail on 8"x 8" Treated Wood Posts).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Carrigan and MacLean, March 14, recommending approval of Revision in Quantities, on Contract No. P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guardrail and Fences at Various Locations Throughout the M.D.C. Park System, as follows –

Item No. 061-010 Repair or Replace Black Vinyl-clad Chain Link Fence (8' High)	**$7,700.00**

(At no increase in Contract cost as the Revision will be offset by unused quantities in Item No. 045-010 – Furnish and Install Treated 4"x 10" Wood Guard Rail on 8"x 8" Treated Wood Posts).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Lenhardt, March 5, recommending approval of Revisions in Quantities on Contract No. P00-2073-M1A, with RMH Electric Co., for Maintenance of Mechanical/Electrical Systems for Three MDC Drawbridges, as follows –

Item No. 001-010 – Semi Annual Insp.	**$4,000.00**
Item No. 002-010 – Emergency Service	**$ 600.00**
Item No. 003-010 – Non-Emergency Service	**$1,200.00**
Item No. 004-010 – Materials-Parts	**$ 200.00**
	Total - $6,000.00

(Funding is available in Account No. 2410-1800).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Soroka, March 12, recommending approval of Extra Work Order No. 3, on Contract No. P99-1988-C1A, with MRP Site Development, Inc., for Santilli Circle Safety Improvements, Everett, MA, as follows –

Extra Work Order No. 3 Remove contaminated soil recently found at Santilli Circle	**$70,700.43**

(Funds provided by Developers Diversified Realty Corporation (DDRC), pursuant to Project Financial Agreement between MDC and DDRC, are available in Account No. 2448-0052).
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $70,700.43.

Action was taken upon the following Various Matter:

4. Report of Mr. Jewett, March 19, recommending award of the following four (4) Contract-Agreements for Open Order Contract No. GC02-0001, for Professional Real Estate Appraisal Services (Park Land Acquisition Program FY2002) –

Name	Value	Assignments
Reynolds Company 304 Victory Road Quincy, MA 02171	$ 32,250	5
Meredith & Grew, Inc. 160 Federal Street Boston, MA 02110-1701	$ 66,755	15

E.W.H. Anderson Real Estate Consulting, Valuation and Preservation 20 Old Dana Road Petersham, MA 01366	$ 26,450	8
G & M Valuation 10 Marigold Avenue Wellesley, MA 02482	$ 16,400	5

Completion Date – June 30, 2002
Funds are available in Account Nos. 2420-1420 and 2440-8886.
(Mr. Jewett further requests authorization for Commissioner Balfour to execute the Contract-Agreements on behalf of the Commission).
The Commission VOTED: Approved.
The Commission further VOTED: requests authorization for Commissioner Balfour to execute the Contract-Agreements on behalf of the Commission.

Action was taken upon the following matter relating to the Office of General Counsel:

1. Report of Ms. McLaughlin, March 19, recommending that the Commission approve the transfer by deed to the Commission, of certain property owned by Meadowland Corporation and located in the Town of Saugus, Massachusetts, containing approximately 2.54 acres, in full consideration of and in accordance with the terms and provisions of the General Release and Settlement Agreement dated December 12, 2001, by and between Meadowland Corporation and the Commonwealth of Massachusetts, acting through its Office of the Attorney General.
The Commission VOTED: to approve the transfer by deed to the Commission, of certain property owned by Meadowland Corporation and located in the Town of Saugus, Massachusetts, containing approximately 2.54 acres, in full consideration of and in accordance with the terms and provisions of the General Release and Settlement Agreement dated December 12, 2001, by and between Meadowland Corporation and the Commonwealth of Massachusetts, acting through its Office of the Attorney General.

Adjourned at 9:20 a.m., to meet on Thursday, March 28, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Twentieth (4021st) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, March 28, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on March 14, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Amendment No. 2, dated March 28, 2002, to Contract-Agreement No. PL93-023-D2A, with Planners Collaborative, Inc., for Neponset River Trail Design Services, Dorchester and Milton.

2. Amendment No. 1 to Contract-Agreement No. P83-1250-S2A, with Camp Dresser and McKee, Inc., for Study and Conceptual Design for the Upper Mystic Lake Dam, did not arrive in time for today's meeting, Commissioner Balfour was authorized to execute the document on behalf of the Commission.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

3. Contract No. P99-2029-C2A, dated March 28, 2002, with Patrick J. Kennedy & Sons, Inc., for New Furnace and Boiler, Quincy Homestead, Quincy.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher, Brooks, Misslin and Haider, March 14, recommending approval of revisions in quantities on Contract No. P01-2125-M1A, with P. J. Kennedy & Sons, Inc., for Service Maintenance of HVAC Systems at Various MDC Facilities, as follows –

Item No. 001-040 – Materials and Parts	**$15,933.00**
Item No. 001-010 – Licensed Technician	**$ 6,867.00**
Item No. 001-030 – General Plumbing	**$ 2,200.00**
Total	**$25,000.00**

Funding is available in Account No. 2490-0016.
The Commission V O T E D: Approved.
Associate Commissioner Rollins did not participate in discussion or vote on this matter.

5. Report of Mr. Faucher and Mrs. Graves Jones, March 11, recommending the following on Contract No. P00-2032-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signal & Control Systems, Old Colony and Blue Hills Districts –
(a) That work be accepted as completed as of January 31, 2002.
(b) That Estimate No. 24 (Final), in the amount of $28,812.28, be approved for payment.
(c) That reserve, in the amount of $14,893.14, be approved for payment.

(Basis of Award - $547,675.00)
(Amount to Date - $539,174.57)
(Contract Performance Rating – 4.30)
(EEO Compliance -3.80)
The Commission V O T E D: that the work of Coviello Electric & General Contract Co., Inc., Contractor under Contract No. P00-2032-M1A, be and hereby is accepted as completed as of January 31, 2002.
The Commission further V O T E D: to approve Estimate No. 24 (Final), in the amount of $28,812.28, for payment..
The Commission further V O T E D: to approve release of reserve, in the amount of $14,893.14, for payment

1. Report of Messrs. Faucher and Soroka, March 7, recommending the following on Contract No. P00-2034-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Charles River Districts –
(a) That work be accepted as completed as of January 31, 2002.
(b) That Estimate No. 24 (Final), in the amount of $21,450.01, be approved for payment.
(c) That reserve, in the amount of $14,274.67, be approved for payment.
(Basis of Award - $510,536.75)
(Amount to Date - $509,317.90)
(Contract Performance Rating – 4.30)
(EEO Compliance – 3.80)
The Commission V O T E D: that the work of Coviello Electric & General Contracting Co., Inc., Contractor under Contract No. P00-2034-M1A, be and hereby is accepted as completed as of January 31, 2002.
The Commission further V O T E D: to approve Estimate No. 24 (Final), in the amount of $21,450.01, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $14,274.67, for payment

2. Report of Messrs. Faucher, Carrigan and MacLean, March 19, recommending approval of an extension of time from March 25, 2002 to April 25, 2002, due to delays associated with steel reinforcement shop drawing review and setting up contracts with suppliers and revisions in original traffic management plan, on Contract No. P02-2149-C1A, with N.E.L. Corporation, for Repair of Hole in Reinforced Concrete Deck over Mystic River, Mystic Valley Parkway, Medford.
(At no increase in Contract cost).
The Commission V O T E D: to approve of an extension of time from March 25, 2002 to April 25, 2002, as recommended by Messrs. Faucher, Carrigan and MacLean in their report of March 19, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher, Carrigan and MacLean, March 21, recommending approval of the request of N.E.L. Corporation, contractor on Contract No. P02-2149-C1A, for Repair of Hole in Reinforced Concrete Deck over Mystic River, Mystic Valley Parkway, Medford, to engage

the services of Total Highway Services, as sub-contractor for replacement of guard rail and chain link fence, at a total cost of $5,000.00.
The Commission V O T E D: Approved.

1. Report of Mr. Faucher and Mrs. Pomorska, March 12, recommending the following on Contract No.P00-2033-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Districts –
(a) That work be accepted as completed as of January 31, 2002.
(b) That Estimate No. 24 (Final), in the amount of $17,748.88, be approved for payment.
(c) That reserve, in the amount of $27,554.70, be approved for payment.
(Basis of Award - $569,560.00)
(Amount to Date - $553,221.59)
(Contract Performance Rating – 4.85)
(EEO Compliance – 3.80)
The Commission V O T E D: that the work of Coviello Electric & General Contracting Co., Inc., Contractor under Contract No. P00-2033-M1A, be and hereby is accepted as completed as of January 31, 2002.
The Commission further V O T E D: to approve Estimate No. 24 (Final), in the amount of $17,748.88, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $27,554.70, for payment.

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Scannell, March 19, on proposals for the purchase of forest products located on the Wachusett Reservoir Watershed.
(Messrs. McGinn and Scannell recommend:
Timber Lot No. 5175 -Wachusett Reservoir Watershed in the Town of Boylston, containing approximately 3,635 board feet of timber and 119 cords of fuelwood. Acceptance of the highest qualified bidder, that of Stanton, Burleigh, P.O. Box 901, Boylston, MA 01505 of $2,323.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $1,200.00.
Timber Lot No. 5176 -Wachusett Reservoir Watershed in the Town of Holden, containing approximately 136,342 board feet of timber, 37 cords of fuelwood and 67 cords of pulp. Acceptance of the highest qualified bidder, that of Wetmore, Jr., Robert, 880 Hubbardston Road, Barre, MA 01005 of $21,762.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $12,800.00.
Timber Lot No. 5177 -Wachusett Reservoir Watershed in the Town of Sterling, containing approximately 19,608 board feet of timber and 122 cords of fuelwood. Acceptance of the highest qualified bidder, that of Steve Guillotte, 2 Campbell Street, Rutland, MA 01543 of $5,350.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $4,000.00).
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Scannell in their report of March 19, 2002.

3. Report of Messrs. McGinn and Pula, March 14, on proposals for the purchase of forest products located on the Quabbin Reservoir Watershed.

Messrs. McGinn and Pula recommend:
Timber Lot No. 3026 -Quabbin Reservoir Watershed in the Town of New Salem, containing approximately 213,689 board feet of timber, 140 cords of fuelwood and 152 cords of pulp. Acceptance of the highest qualified bidder, that of Hitchcock Timber Harvesting In, 51 Stockbridge Road, Hadley, MA 01035 of $19,550.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $12,000.00.
Timber Lot No. 3031 -Quabbin Reservoir Watershed in the Town of New Salem, containing approximately 192,536 board feet of timber, 145 cords of fuelwood and 247 cords of pulp. Acceptance of the highest qualified bidder, that of Wetmore, Robert, 273 Cutoff Road, Barre, MA 01005 of $24,873.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $14,000.00.
Timber Lot No. 3032 -Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 320,945 board feet of timber, 73 cords of fuelwood and 364 cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $49,075.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $26,000.00.
Timber Lot No. 3033 -Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 224,093 board feet of timber and 586 cords of fuelwood cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $73,480.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $54,000.00.
Timber Lot No. 3034 -Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 359,623 board feet of timber and cords of fuelwood and 133 cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $54,360.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $32,000.00.
Timber Lot No. 3035 -Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 492,683 board feet of timber, 14 cords of fuelwood and 229 cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $74,443.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $45,000.00.
Timber Lot No. 3036 -Quabbin Reservoir Watershed in the Town of New Salem, containing approximately 152,584 board feet of timber, 453 cords of fuelwood and 214 cords of pulp. Acceptance of the highest qualified bidder, that of Hitchcock Timber Harvesting In, 51 Stockbridge Road, Hadley, MA 01035 of $20,694.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $11,500.00.
Timber Lot No. SR3NQ-Quabbin Reservoir Watershed in the Town of New Salem, containing approximately 47,625 board feet of timber and cords of fuelwood cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $8,355.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $7,800.00.
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Pula in their report of March 14, 2002.

1. Report of Mr. McGinn, March 13, recommending the following on Contract No. WM95-060-X1A, with SEA Consultants, Inc., for Pilot On-Site Remediation Program –

(a) That work be accepted as completed as of December 30, 2001.
(b) That Final Invoice, in the amount of $13,409.59, be approved for payment.
(c) That reserve, in the amount of $30,979.61, be approved for payment.
(Amount to Date - $323,405.11)
(Contract Performance Rating – 7.8 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of SEA Consultants, Inc., Contractor under Contract No. WM95-060-X1A, be and hereby is accepted as completed as of December 30, 2001.
The Commission further V O T E D: to approve Final Invoice, in the amount of $13,409.59, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $30,979.61, for payment.

1. Report of Messrs. Pula and McGinn, March 8, requesting approval of an increase of $1,518.00, to the contract of Fred J. Fijal for rubbish disposal, due to the need to use an alternative landfill rather than the Hardwick Landfill which has closed.
The Commission V O T E D: Approved.

2. Report of Mr. McGinn, March 25, recommending approval of a Memorandum of Understanding between the Metropolitan District Commission and the Town of Southborough for the Acre Bridge Road Recreational Field and authorization for the Director of the MDC Division of Watershed Management to execute the Agreement on behalf of the Commission.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for the Director of the MDC Division of Watershed Management to execute the Agreement on behalf of the Commission.

Action was taken upon the following matter relating to the Office of Planning:

3. Report of Mrs. O'Brien and Mr. Thurlow, March 20, submitting for approval Work Schedule, Project Summary, Project Justification and requesting approval to procure proposals for Project No. PL0-0070-M2A, Landscape Maintenance of Paul Revere Park.
Estimated Cost - $25,000.00.
Duration of Contract – 6 months (May 2002 through October 2002).
Funds are available in Account No. 2448-0052.
The Commission V O T E D: Approved.
The Commission further V O T E D: approval to procure proposals for Project No. PL0-0070-M2A, Landscape Maintenance of Paul Revere Park.

Action was taken upon the following matter relating to the Office of General Counsel:

4. Report of Mr. Collette, March 21, recommending that the Commission accept the conveyance of a Conservation and Public Access Easement over approximately 23.5 acres in Everett from DDRC Gateway, LLC in accordance with Chapter 92, Section 79 of the Massachusetts General Laws and authorize Commissioner Balfour to execute the easement document on behalf of the Commission.

The Commission V O T E D: to accept the conveyance of a Conservation and Public Access Easement over approximately 23.5 acres in Everett from DDRC Gateway, LLC in accordance with Chapter 92, Section 79 of the Massachusetts General Laws.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the easement document on behalf of the Commission.

Action was taken upon the following Various Matter:

2. Report of the Debt Collection Committee, March 25, recommending that the following vendors be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to the failure to meet financial obligations with the Commission and further to refer the vendors to a debt collection agency listed on the Commonwealth's Master Service Agreement, for collection -

Debtor	**Unpaid Balance**	**Time Period Past Due**
Fidelity Investments	$ 20.00	62 months
Ken Campbell, Golf Pro Ponkapoag Golf Course	$ 8,268.34	4 months
Lowell Chiefs	$ 9,010.00	50 months
Sonny Boy Ice Cream, Dean Manemanus	$ 4,220.11	65 months
Sterling Food Management, Gerard Adomunes	$20,000.00	12 months

The Commission V O T E D: to refer Fidelity Investments to a debt collection agency listed on the Commonwealth's Master Service Agreement for further debt collection methods not within the capabilities of this agency and to bar Fidelity Investments from bidding on or conducting further business activities with the MDC or on its property, including, but not limited to, the issuance of any permit to Fidelity Investments for special use purposes.
The Commission further V O T E D: to refer Ken Campbell, Golf Professional to a debt collection agency listed on the Commonwealth's Master Service Agreement for further debt collection methods not within the capabilities of this agency and to bar Ken Campbell, Golf Professional from bidding on or conducting further business activities with the MDC or on its property, including, but not limited to, the operation of any golf professional services or activities at the MDC's golf courses.
The Commission further V O T E D: to refer the Lowell Chiefs to a debt collection agency listed on the Commonwealth's Master Service Agreement for further debt collection methods not within the capabilities of this agency and to bar the Lowell Chiefs from bidding on or conducting further business activities with the MDC or on its property, including, but not limited to, the issuance of any permit the Lowell Chiefs for ice time or for any other special use.
The Commission further V O T E D: to refer Sonny Boy Ice Cream, Inc. to a debt collection agency listed on the Commonwealth's Master Service Agreement for further debt collection methods not within the capabilities of this agency and to bar Sonny Boy Ice Cream, Inc. from bidding on or conducting further business activities with the MDC or on its property, including

but not limited to, the issuance of any permit to Sonny Boy Ice Cream, Inc. to operate a concession or for any other special use.

The Commission further V O T E D: to terminate the Concession Permit Agreement between the MDC and Sterling Food Management pursuant to section 23 of the permit agreement dated June 24, 1999 and to refer Sterling Food Management to a debt collection agency listed on the Commonwealth's Master Service Agreement for further debt collection methods not within the capabilities of this agency and to bar Sterling Food Management, Inc. from bidding on or conducting further business activities with the MDC or on its property, including, but not limited to, the issuance of any permit to Sterling Food Management Inc., to operate a concession or for any other special use.

The above votes shall apply to the above and any and all of their successors , assigns, or re-incorporations.

Adjourned at 9:40 a.m., to meet on Thursday, April 4, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Twenty Second (4022nd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, April 4, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on March 21, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed the Commissioner and four Associate Commissioners:

1. Contract No. P01-2132-M1A, dated April 4, 2002, with Hi-Way Safety Systems, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.

2. Contract No.P94-1713-C1A, dated April 4, 2002, with Jay Cashman, Inc., for Wollaston Beach Seawall Rehabilitation in Quincy.

3. Contract No. P02-2153-C1A, dated April 4, 2002, with McConnell Enterprises, Inc., for Demolition of the Bernie King Pavilion, Nantasket Beach, Hull

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and DiRamio, March 19, on bids for Rehabilitation of Fellsmere Pond, Malden, Contract No. P02-2151-C1A.
(Messrs. Faucher and DiRamio recommend acceptance of the lowest bid received, that of Tasco Construction, Inc., of $62,850.00).
The Commission V O T E D: to accept the lowest bid received, that of Tasco Construction, Inc., of $62,850.00.

5. Report of Messrs. Faucher, Misslin, Brooks and Kane, March 19, recommending approval of an extension of time and approval of the action of Deputy Commissioner Faucher resulting in an Extra Work Order on Contract No. P01-2115-C1A with T. Cooney Co., for Renovation of the Allston-Brighton Wading Pool Bathrooms, Brighton, as follows –
Extension of Time - from November 1, 2001 to April 19, 2002.
Extra Work Order No. 6 – for repair of roof drain at three locations, at a cost of $3,200.27.
Funding from Account No. 2440-0501.
The Commission V O T E D: to approve an extension of time from November 1, 2001 to April 19, 2002, as recommended by Messrs. Faucher, Misslin, Brooks and Kane in their report of March 19, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.
The Commission further V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 6, on Contract No. P01-2115-C1A.

The Commission further V O T E D: to approve Extra Work Order No. 6, in the amount of $3,200.27

1. Report of Messrs. Faucher, Misslin and Abounaja, March 26, requesting approval of additional funding, necessary to cover the cost of Emergency Environmental Work at Various MDC Facilities and Roadways, in the amount of $9,227.75, on Contract No. P00-2039-D1A, with CDW Consultant, Inc., for Services for Various MDC Contaminated Facilities.
(Funds available in Account No. 2440-4994).
The Commission V O T E D: Approved as recommended by Messrs. Faucher, Misslin and Abounaja in their report of March 26, 2002.

2. Report of Messrs. Faucher and Griffin, March 27, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise a procurement to establish a standing list of bridge qualified contractors for Project No. P02-2158-C1A, for an Agency Master Service Agreement for Emergency Bridge Repairs.
Estimated Cost - $750,000.00.
Time for Performance – thirty six months.
Funding from Account No. 2490-8881.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise a procurement to establish a standing list of bridge qualified contractors for Project No. P02-2158-C1A, for an Agency Master Service Agreement for Emergency Bridge Repairs

3. Report of Messrs. Faucher and Gode-von Aesch, March 28, on bids for Charles River Basin Pedestrian Overpass Painting, Contract No. P02-2156-C1A.
(Messrs. Faucher and Gode-von Aesch recommend acceptance of the lowest bid received, that of Prime Coatings, Inc., of $997,492.00)
The Commission V O T E D: to accept the lowest bid received, that of Prime Coatings, Inc., of $997,492.00.

4. Report of Messrs. Faucher, Misslin and Gabra, March 27, on bids for Demolition and Replacement of Existing Roof System at the Service Building of the Melnea Cass Pool, Roxbury, Contract No. P01-2124-C4A.
(Messrs. Faucher, Misslin and Gabra recommend acceptance of the lowest bid received, that of Tar Vel Roofing Co., of $123,000.00).
The Commission V O T E D: to accept the lowest bid received, that of Tar Vel Roofing Co., of $123,000.00.

5. Report of Messrs. Faucher, Misslin and Balicki, March 28, on bids for Waterblast, Patch, Caulk and Paint Swimming Pools, Various MDC Locations, Contract No. P02-2155-C1A.
(Messrs. Faucher, Misslin and Balicki recommend acceptance of the lowest bid received, that of Prime Coatings, Inc., of $185,664.80).
The Commission V O T E D: to accept the lowest bid received, that of Prime Coatings, Inc., of $185,664.80.

1. Report of Messrs. Faucher, Misslin and Sodano, March 26, on bids for Construction of Abigail Adams Park, Back River Reservation, Weymouth, Contract No. PL95-031-C1A.
(Messrs. Faucher, Misslin and Sodano recommend acceptance of the lowest bid received, that of Fleming Brothers, Inc., of $1,379,111.00)
They further recommend that the Commission reject the bids of C. R. C. Company, Inc., Argus Landscape & Construction, D'Allesandro Corp., Northern Construction Services, Metro Equipment Corporation, D. F. Frangioso Co., Inc., and R. Zoppo Corp., as their bids were invalid due to failure to bid on one of the items.
The Commission V O T E D: to accept of the lowest bid received, that of Fleming Brothers, Inc., of $1,379,111.00.
The Commission further V O T E D: to reject the bids of C. R. C. Company, Inc., Argus Landscape & Construction, D'Allesandro Corp., Northern Construction Services, Metro Equipment Corporation, D. F. Frangioso Co., Inc., and R. Zoppo Corp., as their bids were invalid due to failure to bid on one of the items.

2. Report of Messrs. Faucher, Misslin and Martinez, March 29, on bids for Miscellaneous Structural Repairs at Various Locations, Contract No. P02-2159-C1A.
(Messrs. Faucher, Misslin and Martinez recommend acceptance of the lowest bid received, that of J. D'Amico, Inc., of $143,370.00).
The Commission V O T E D: to accept the lowest bid received, that of J. D'Amico, Inc., of $143,370.00.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Messrs. McGinn and Scannell, March 25, requesting approval of an extension of time from December 31, 2001 to June 30, 2002, due to the need for negotiations with DEP, weather and ground conditions, on Contract No. WM02-035-C18. with New England Recycling, Inc., for Green Waste Recycling and Solid Waste Removal Services.
(At no increase in Contract cost).
The Commission V O T E D: Approved..

4. Report of Messrs. McGinn and Baratta, March 11, requesting authorization to develop Master Grant Agreements with the Town of Holden for Fire Department Services – at a cost not-to-exceed $108,200.00 and the Town of West Boylston for Fire Department Services – at a cost not-to-exceed $89,242.75, for the Final Phase of Sewer Construction Projects in Holden and West Boylston.
Messrs. McGinn and Baratta further request authorization for Commissioner Balfour to execute the Master Grant Agreements on behalf of the Commission.
Funding from Account No. 2420-7961.
The Commission V O T E D: authorization to develop Master Grant Agreements with the Town of Holden for Fire Department Services – at a cost not-to-exceed $108,200.00 and the Town of West Boylston for Fire Department Services – at a cost not-to-exceed $89,242.75, for the Final Phase of Sewer Construction Projects in Holden and West Boylston.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Master Grant Agreements on behalf of the Commission.

1. Report of Messrs. McGinn and Kane, March 25, requesting approval of Amendment No. 8 to Contract No. WM94-003-D1A, with A. G. Lichtenstein & Associates, Inc., for Remedial Design for Public Safety Considerations, Beaman Street Bridge, West Boylston, due to the need to include Construction Administration and Inspection Services, during reconstruction of the bridge, at a cost of $59,760.87.
Funding from Account No. 2420-7881.
Associate Commissioner Carr questioned if all 8 Amendments to the Contract added to the cost of the project.
Mr. Kane responded that a number of the Amendments were for extensions of time and those that involved money were for items such as a request from the community for sewer line work.
Associate Commissioner Carr then noted that this increase in cost of the work exceeds one third of the current contract cost.
Associate Commissioner Carr asked if this item and its cost had been part of the original scope, would it have effected the number of firms which would have been interested in the project.
Mr. Jewett stated that in his opinion he did not view this cost as large enough to change the number of firms that responded and stated that they were interested in the project.
On questioning by Associate Commissioner Carr, Mr. Kane stated that when discussing putting the project out to bid, Director McGinn stated that he felt using a consultant for resident engineering services, on a current sewer contract, had worked out well and that he desired to have the consultant perform similar services on this contract.
Associate Commissioner Carr then requested that this item be held over, after the Contract Administrator stated that a one week delay in approving the item would not adversely affect the project, so that Director McGinn could brief the Commission on the use of a consultant for resident engineering rather than a MDC employee.
The Commission V O T E D: Held Over pending receipt by the Secretary of a report outlining the reasons for utilizing the consultant rather than MDC engineers.

Action was taken upon the following matters relating to the Reservations and Historic Sites Division:

2. Report of Messrs. Testa and Flynn, March 28, submitting for approval and execution Permit Agreements with the Natick Soccer Club, Inc. and the Wellesley United Soccer Club, for use of the soccer fields at Elm Bank Reservation (located in Dover and Wellesley), for five years from January 1, 2002 to December 31, 2006.
The Commission V O T E D: Approved
The Secretary then submitted for signature Permit Agreements, dated April 4, 2002, with the Natick Soccer Club, Inc. and the Wellesley United Soccer Club which were signed by the Commissioner and four Associate Commissioners.

3. Report of Messrs. Testa and Flynn, March 28, submitting for approval and execution Joint Management Agreement with the Massachusetts Audubon Society for Operation of Blue Hills Trailside Museum in the Blue Hills Reservation, for five years, from July 1, 2002 through June 30, 2007.

The Commission V O T E D: Approved.
The Secretary then submitted for signature Joint Management Agreement, dated April 4, 2002, with the Massachusetts Audubon Society, which was signed by the Commissioner and four Associate Commissioners.

1. Report of Messrs. Testa and Flynn, March 28, submitting for approval and execution a Permit Agreement with the YMCA of Greater Boston, for occupancy of the Ponkapoag Outdoor Center (the "Center") from April 4, 2002 for a period of five years.
The Commission V O T E D: Approved.
The Secretary submitted for signature the Permit Agreement, dated April 4, 2002, with the YMCA of Greater Boston, which was signed by the Commissioner and three Associate Commissioners.
Associate Commissioner Elkort did not participate in discussion, vote on this matter or sign the Permit Agreement.

2. Report of Messrs. Testa and Flynn, March 28, submitting for approval and execution a Permit Agreement with the Appalachian Mountain Club for occupancy of the AMC Ponkapoag Camp, in the Blue Hill Reservation, for five years commencing March 1, 2002 through February 28, 2007.
The Commission V O T E D: Approved.
The Secretary submitted for signature Permit Agreement, dated April 4, 2002, with the Appalachian Mountain Club for occupancy of the AMC Ponkapoag Camp, in the Blue Hill Reservation, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following Various Matters:

3. Report of the Debt Collection Committee, April 1, recommending that Boston Pushcart, Inc., Joseph Bono, be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to failure to meet financial obligations with the Commission and further to refer the vendor to a debt collection agency listed on the Commission's Master Service Agreement for collection. The above recommendation shall apply to Boston Pushcart, Inc., Joseph Bono, and any and all of its successors, assigns, or re-incorporations.

Debtor	**Unpaid Balance**	**Time Period Past Due**
Boston Pushcart, Inc. Joseph Bono	$35,724.36	42 months

The Commission V O T E D: Held Over until the Commission Meeting of May 2, 2002.

4. Report of the Debt Collection Referral Committee, April 1, requesting approval of the selection of OSI Collection Services, Inc., and Allen Daniel Associates, Inc., to assist the MDC in its collection of delinquent accounts, and authorize contracts to be prepared for execution.
Compensation – on a contingent basis, if nothing collected MDC not responsible for any payments.
Time for Performance – from execution through June 30, 2004 – with two one-year options for extending services if desired.

The Commission V O T E D: to approve the selection of OSI Collection Services, Inc., and Allen Daniel Associates, Inc., to assist the MDC in its collection of delinquent accounts, and authorize contracts to be prepared for execution.

Adjourned at 9:35 a.m., to meet on Thursday, April 11, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Twenty Third (4023rd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, April 11, 2002.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Carr, as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Carr and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on March 28, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Acting Commissioner and three Associate Commissioners:

1. Contract No. P02-2136-C1A, dated April 11, 2002, with N.E.L. Corporation, for Repairs to Land Blvd. Bridge, Cambridge.

2. Contract No. P02-2159-C1A, dated April 11, 2002, with J. D'Amico, Inc., for Miscellaneous Structural Repairs at Various Locations

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and McCalla, March 28, recommending approval of revisions in quantities on Contract No. P00-2057-M1A, with Coviello Electric & General Contracting Co., Inc., for Electrical, Electronic and Sound System Maintenance at Sports Facilities, Recreation Areas and MDC Buildings Throughout the Metropolitan District, as follows –
Item No. 1 – Hourly Rate for Licensed Electrician - $ 5,280.00
Item No. 3 – Hourly Rate for Helper - $ 3,360.00
Item No. 6 – Materials, Components, Parts and Equipment - $33,044.00
Total - $41,684.00
Funding from Account No. 2440-8952.
The Commission V O T E D: Approved

4. Report of Messrs. Faucher and Thurlow, April 1, recommending approval of a revision in quantities on Item No. 002-005 – Additional Pruning – at a cost of $60,000.00, on Contract No. P00-2083-C1A, with Northern Tree Service, Inc., for 2000 and 2001 Arboricultural Improvements.
Funding from Account No. 2490-8910.
The Commission V O T E D: Approved

5. Report of Messrs. Faucher and Thurlow, April 4, on bids for Installation of Benches Along the Charles River, Contract No. P02-2143-C1A.

(Messrs. Faucher and Thurlow recommend acceptance of the lowest bid received, that of C.R.C. Company, Inc., of $566,110.00).
The Commission V O T E D: to accept the lowest bid received, that of C.R.C. Company, Inc., of $566,110.00.

1. Report of Messrs. Faucher and Lenhardt, April 5, recommending approval of Extra Work Order No. 9 – to provide limit switches for new emergency and service brakes – in the sum of $27,915.98, on Contract No. P99-1986-C2A with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 9, in the amount of $27,915.98.

2. Report of Messrs. Faucher and Lenhardt, March 29, recommending approval of extra work orders on the following items on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston –

Extra Work Order No. 5 – to replace service brake wheels	**$ 3,366.67**
Extra Work Order No. 6 - to refurbish existing electrical junction boxes	**$ 3,675.48**
Extra Work Order No. 7 – to replace electrical terminal blocks	**$ 1,907.92**
Extra Work Order No. 8 – to provide under bridge receptacles	**$ 1,077.96**
	Total - $10,028.03

Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 5, in the amount of $3,366.67
The Commission further V O T E D: to approve Extra Work Order No. 6, in the amount of $3,675.48.
The Commission further V O T E D: to approve Extra Work Order No. 7, in the amount of $1,907.92. The Commission further V O T E D: to approve Extra Work Order No. 8, in the amount of $1,077.96.

3. Report of Messrs. Faucher and Lenhardt, April 2, recommending approval of Amendment No. 8, for an increase in the design upset limit by $50,000.00 and an extension of time from July 15, 2002 to January 2, 2003, on Contract No.P93-1672-D1A, with Simpson, Gumpertz & Heger, Inc., for Professional Engineering Services for Bridges, Parkways and Other Commission Facilities.
Funding from Account No. 2490-0012.
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Lenhardt, April 5, on bids for Remedial Repairs of the Longfellow Bridge, Boston/Cambridge, Contract No. P78-0639-C1A.
(Messrs. Faucher and Lenhardt recommend acceptance of the lowest bid received, (with the Alternates), that of SPS New England, Inc., in the amount of $3,308,712.30).

The Commission V O T E D: to accept the lowest bid received, (with the Alternates), that of SPS New England, Inc., in the amount of $3,308,712.30.

1. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Miss Peterson, April 1, recommending approval of a revision in quantities on Item No. 10 02720-9 – for chain link fence, black vinyl 6 ft. high – at a total of $5,590.00, on Contract No. PL-93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton.
Funding from Account No. 2420-8961.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Carrigan and MacLean, March 27, recommending approval of revisions in quantities on the following items on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District –

Item No.	**Amount**
001-010 Unclassified Excavation	$30,000.00
003-020 Reclaimed Pavement Borrow Material for Sub-base Course	$12,000.00
004-010 Loam Borrow	$12,500.00
005-010 Catch Basins and Manholes Adjusted to Grade	$5,000.00
008-010 Utility Boxes Adjusted to Grade	$3,500.00
009-010 Curbing or Edging, Removed and Disposed of	$250.00
010-010 Granite Edge-stone Removed and Reset,	$28,050.00
011-010 New Granite Edge-stone, Type VA4-6" x 18" Straight	$15,194.99
012-010 New Granite Edge-stone, Type VA4-6" x 18" Curved	$500.00
013-010 Granite Corner Blocks, Removed and Reset	$1,000.00
014-010 New Granite Corner Blocks, 2 ft. Radius	$1,650.00
015-010 Pavement Trimming	$15,000.00
016-010	$7,500.00

Cement Concrete in front of Edge-stone
019-010 $160,500.01
Cement Concrete Sidewalks, Driveways, Medians, and Traffic Islands, One Course 6 Inches Thick with Welded Wire Mesh
020-010 $22,000.00
Pedestrian Ramps
021-010 $50,625.00
Bituminous Concrete for Sidewalks, Driveways, Patching Small Parking Lots, and Sport Courts
022-010 $900.00
Bituminous Tack Coat
024-010 $2,800.00
Grading, Liming, Fertilizing, and Seeding
027-010 $25,000.00
Traffic Control Services
029-010 $1,500.00
Special Lighting Unit (Flashing Arrow)
031-010 $3,000.00
Crushed Stone
037-010 $280.00
Reflectorized Drum with Flasher (Type A)
039-010 $1,250.00
Fine Grading and Compacting Subgrade Areas for Construction of Parking Lot areas and New Sidewalks
Total - $400,000.00

Funding from Account No. 2490-0010.
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Misslin and Haider, March 27, requesting that the Commission amend its vote of March 21, 2002, approving $40,000.00 for Replacement of 5 Ton Natural Gas Absorption Chillers at Ponkapoag Golf Course, Contract No. P02-2163-C1A, by adding an additional $10,000.00, thereby bringing the total cost to $50,000.00, due to the need for additional work.
Funding from Account No. 2440-4420.
The Commission V O T E D: to amend its vote of March 21, 2002, approving $40,000.00 for Replacement of 5 Ton Natural Gas Absorption Chillers at Ponkapoag Golf Course, Contract No. P02-2163-C1A, by adding an additional $10,000.00, thereby bringing the total cost to $50,000.00, due to the need for additional work, as requested by Messrs. Faucher, Misslin and Haider.
Associate Commissioner Elkort did not participate in discussion or vote on this matter

2. Report of Messrs. Faucher, DiPietro and Galvin, April 2, recommending approval of Amendment No. 2, for an extension of time from April 30, 2002 to April 7, 2003, to complete

design permitting and construction of all the required changes to the wastewater disposal systems at the MDC facilities, on Contract No.P00-2022-D1C, with Pennoni Associates, for Evaluation, Design and Construction Services for the Modification of Failing Subsurface Wastewater Disposal Systems at Various MDC Facilities.
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Carrigan and MacLean, April 1, recommending approval of a revision in quantities on Item No. 003-010 – Reinforced Concrete – in the sum of $7,800.00, on Contract No. P02-2149-C1A, with N.E.L. Corporation, for Repair of Hole in Reinforced Concrete Deck Over Mystic River, Mystic Valley Parkway, Medford.
Funds available in Account No. 2490-8881.
The Commission V O T E D: Approved

2. Report of Messrs. Faucher, Carrigan and MacLean, April 2, recommending approval of the action of Deputy Commissioner Faucher, resulting in extra work orders on the following items on Contract No. P00-2087-C1A, with D'Allesandro Corporation for Installation of Closure Gates, Guardrail and Fences at Various Locations Throughout the M.D.C. Park System.

Extra Work Order No. 6	**$1,597.25**
Installation of PVC privacy slats in the new fencing around the air conditioning units at Ponkapoag Golf Course in Canton.	
Extra Work Order No. 7	**$4,973.06**
Installation of PVC privacy slats in the new fencing around the golf cart storage area at the Ponkapoag Golf Course in Canton	
	Total - $6,570.31

(The cost of the extra work will be offset by unused quantities in Item No. 035-010 – Furnish and Install New SS Guard Rail and Posts).
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher, which resulted in Extra Work Order Nos. 6 and 7, on Contract No. P00-2087-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 6, in the amount of $1,597.25.
The Commission further V O T E D: to approve Extra Work Order No. 7, in the amount of $4,973.06.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

3. Report of Messrs. Faucher, Carrigan and MacLean, April 4, recommending approval of revisions in quantities on the following items on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System –

Item No. 001-010	**$2,499.51**
Pavement Trimming	
Item No. 030-010	**$1,925.00**
Granite Edgestone Type VA-4 (6"x 18") Straight	

Item No. 033-010 Cement Concrete in Front of Edgestone	$ 847.00
Item No. 050-010 Remove, Dispose or Store Wood Guard Rail	$ 690.00
	Total - $5,961.51

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 035-010 – Furnish and Install New SS Guard Rail and Posts (Straight).
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Kane, March 25, requesting approval of Amendment No. 8 to Contract No. WM94-003-D1A, with A. G. Lichtenstein & Associates, Inc., for Remedial Design for Public Safety Considerations, Beaman Street Bridge, West Boylston, due to the need to include Construction Administration and Inspection Services, during reconstruction of the bridge, at a cost of $59,760.87.
Funding from Account No. 2420-7881.
At this point, Associate Commissioner Carr spoke of his concern regarding the use of a consultant to supervise the project while there is an MDC engineer on site.
He then questioned if the project could be overseen in house, thereby saving the $59,760.87 to be paid to the consultant and possibly saving the job of at least one MDC employee.
Mr. McGinn then stated that the project will be ongoing 24 hours a day because of its public safety considerations and if an MDC employee was utilized, overtime would have to be paid for 2 shifts.
Mr. McGinn then noted that there could be union problems if we changed employees shifts. He then stated that the Division can not change shifts in order to avoid payment of overtime.
Associate Commissioner Carr then asked Mr. Gray if we would run into union grievances if we went forward with changing hours of Watershed employees.
Mr. Gray stated that we would probably encounter grievances, being filed by employees.
At this point, Associate Commissioner Elkort questioned who issued the directive that the Division could not use overtime in this type of situation. Mr. McGinn stated that this directive was from the Commissioner.
Associate Commissioner Carr stated that this is an unusual situation and if it arose again the Division should investigate the possibility of using overtime. This should be done on a case by case basis, he noted.
Associate Commissioner Carr then stated that he did not feel it was in the public interest to farm out work that could be done by MDC employees.
It was suggested that in the future, the Commission shall receive written assurances from the managers filing any similar agenda items, stating that all alternatives provided under collective bargaining agreements have been explored prior to such a request.
The Commission V O T E D: Approved.

Meeting of April 18 2002 Commission VOTED: to rescind its vote of April 11, 2002 relative to Amendment 8 on Contract # WM94-003-D1A and allow appropriate staff within the Division to be utilized for the provision of construction administration and inspection services

2. Report of Messrs. McGinn and Pula, April 2, submitting for Commission approval, season and fee schedule for the 2002 fishing season at Quabbin Reservoir:

A. FISHING SEASON DATES

The season for boat fishing (weather permitting) and shore fishing will be as follows: Boat Launch Area #1 (Gate 8), Boat Launch Area #2 (Gate 31), and Boat Launch Area #3 (Gate 43) will open on Saturday, April 13 and close on Saturday, October 12, 2002.

B. DAYS OPEN

All three Boat Launch Areas will be open seven days per week from April 13 to August 31 and Friday through Monday from September 1 to October 12. A limited number of boats and motors will be available for rental at each area.

C. OPENING HOURS

-April 13 - 5:30 A.M. (due to large crowds on opening day)
-April 14 - October 12 - 6:30 A.M.

D. CLOSING HOURS

Parking lot closes at 4:00 PM
BOATS OFF WATER 3:00 PM

E. BOAT RENTAL RATES

Rentals	1/2 day (4 hours)	Full Day	Deposit
Boat	$5.00	$10.00	$10.00
Motor (inc. 3 gallons gas)	$10.00	$20.00	$20.00
Total	$15.00	$30.00	$30.00

Senior Citizens (65 or older) Monday through Friday except Holidays. Handicapped Citizens pay half price at all times.

Rentals	1/2 day (4 hours)	Full Day	Deposit
Boat	$2.50	$5.00	$5.00
Motor (inc. 3 gallons gas)	$5.00	$10.00	$10.00
Total	$7.50	$15.00	$15.00

F. PARKING/LAUNCHING FEES

Parking:	Per Vehicle	$4.00
	Senior Citizen/ Handicapped Citizen	$2.00

Private Boat Launching:	Per person	$2.00
	Senior Citizen/ Handicapped Citizen	$1.00

Associate Commissioner Carr questioned if the plan to reduce the hours of operation from fifteen to ten per day, has been communicated to all interested parties.

Mr. Pula stated that interested individuals have been notified and they understand that the Commission has been adversely affected by staff cut-backs and fiscal problems.

Mr. Pula then stated that the interested parties would like to have the hours extended if staff and financial conditions improve.

The Commission V O T E D: Approved as recommended by Messrs. McGinn and Pula in their report of April 2, 2002.

Action was taken upon the following Various Matters:

1. Report of the Debt Collection Committee, April 1, recommending that Boston Pushcart, Inc., Joseph Bono, be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to failure to meet financial obligations with the Commission and further to refer the vendor to a debt collection agency listed on the Commission's Master Service Agreement for collection. The above recommendation shall apply to Boston Pushcart, Inc., Joseph Bono, and any and all of its successors, assigns, or re-incorporations.

Debtor	**Unpaid Balance**	**Time Period Past Due**
Boston Pushcart, Inc. Joseph Bono	$35,724.36	42 months

The Commission V O T E D: Held Over until the Commission Meeting of May 2 2002.

2. Report of Messrs. Chisholm and Jewett and Mrs. Provenzano, April 3, requesting approval of modifications to the Trial Permit Agreement between the Metropolitan District Commission and Gondola diVenezia (GdV), dated June 28, 2001 and effective on or about July 1, 2001 – as follows –

Item 1 – **Delete** existing item and substitute The Commission hereby grants to GdV permission for a gondola service on the Charles River Basin, with a route starting at a specified area, near the concession stand, adjacent to the Hatch Shell oval and running northerly of the Longfellow Bridge.

The Commission further grants to GdV and GdV accepts the right to use and occupy a 6' x 10' floating dock, adjacent to the closest barrier island and a 6' x 24' float with attached access ramp, near the Hatch Shell concession.

Item 8 – **Delete** – No music or singing emanating from gondola (s) shall be permitted after 6:00 p.m.

Item 12 – **Delete** – on City of Cambridge property adjacent to the canal and substitute – on MDC property adjacent to the Hatch Shell oval concession.

Item 15 – **Delete** – City of Cambridge.

The Commission V O T E D: to approve modifications to the Trial Permit Agreement between the Metropolitan District Commission and Gondola diVenezia (GdV), dated June 28, 2001 and effective on or about July 1, 2001, as requested by Messrs. Chisholm and Jewett and Mrs. Provenzano, in their report of April 3, 2002.

3. Report of Mr. Driscoll, March 29, requesting approval and execution of Amendment No. 1 to Contract No. PL01-073-S1A, with Aquatic Control Technology, Inc., for Charles River Lakes District Mechanical Weed Harvesting Program, as follows – An extension of time from

June 30, 2002 to December 31, 2002. And an additional work task for Chemical treatment of Purgatory Cove in Waltham – the cost of the additional work will be $17,000.00 to be funded by remaining funds in the existing contract.
The Commission V O T E D: Approved.
The Secretary submitted for signature Amendment No. 1, dated to Contract No. PL01-073-S1A, with Aquatic Control Technology, Inc., which was signed by the Acting Commissioner and three Associate Commissioners.

1. Report of Mr. Jewett, April 8, on behalf of a Selection Committee requesting selection of GZA GeoEnvironmental, Inc., for Preparation of Emergency Action Plans, Contract No. WM02-061-X1A.
Compensation – not-to-exceed $20,800.00, paid on a cost plus fixed fee basis.
Time for Performance – seven months from Notice to Proceed.
Account No. 2420-8960.
Mr. Jewett further requests authorization to prepare a contract for execution.
The Commission V O T E D: to approve the selection of GZA GeoEnvironmental, Inc., for Preparation of Emergency Action Plans, Contract No. WM02-061-X1A.
The Commission further V O T E D: to authorize Mr. Jewett to prepare a contract for Commission execution.

2. Report of Mr. Jewett, April 8, requesting approval and authorization for Commissioner Balfour to execute on behalf of the Commission, the following four (4) Contracts for professional real estate title examination services for FY2002, under Open Order Contract No. GC02-0002, for Appraisal, Title, Engineering and Related Services for Watershed Land Acquisition FY/02 – Worcester and Franklin Counties –

Name	**Value**	**Parcels**
Law Offices of Peter E. Flynn, P.C. 78 Essex Street Saugus, MA 01906	$ 10,070	11
Tamagini & Bloomenthal, P.C. 935 Main Street Waltham, MA 02451	$ 6,650	7
Nancy Mahoney Harris, Esq. 172 East Street Hingham, MA 02043	$ 5,015	5
Valley Title Company, Ltd. 22 Federal Street P.O. Box 1516 Greenfield, MA 01302	$ 5,400	6

Funds available in Account No. 2421-9936.
The Commission V O T E D: Approved.

The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contracts on behalf of the Commission.

Action was taken upon the following matter relating to the Office of General Counsel:

1. Report of Ms. Murphy, April 8, recommending that the Commission grant a license to Community Rowing, Inc., enabling it to continue using the Daly Memorial Recreation Center, land and the storage shed located immediately north of the Rink between the Rink and the Charles River, and the fenced land located west of the Rink, for all purposes consistent with the terms of the license agreement.
Ms. Murphy further requests that the Commission execute the License.
The Commission V O T E D: to grant a license to Community Rowing, Inc., enabling it to continue using the Daly Memorial Recreation Center, land and the storage shed located immediately north of the Rink between the Rink and the Charles River, and the fenced land located west of the Rink, for all purposes consistent with the terms of the license agreement.
The Secretary then submitted for signature license agreement, dated April 11, 2002, with Community Rowing, Inc., which was signed by the Acting Commissioner and three Associate Commissioners.

Adjourned at 9:55 a.m., to meet on Thursday, April 18, 2002 at 9:00 a.m.

William F.
Secretary

Record of the Four Thousand Twenty Fourth (4024th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, April 18, 2002.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Carr, as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Carr and Associate Commissioners Elkort and Sheppard.

The Records of the Commission Meeting held on April 4, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Acting Commissioner and two Associate Commissioners:

1. Modification, dated April 18, 2002, to Trial Permit Agreement with Gondola diVenezia (GdV) for the operation of two gondolas (self powered water craft) on the Charles River Basin.

2. Contract No. P02-2155-C1A, dated April 18, 2002, with Prime Coatings, Inc., for Waterblast, Patch, Caulk and Paint Swimming Pools, Various MDC Locations.

3. Contract No. P02-2156-C1A, dated April 18, 2002, with Prime Coatings, Inc., for Charles River Basin Pedestrian Overpass Painting.

4. Contract No.P01-2124-C4A, dated April 18, 2002, with Tar Vel Roofing Co., for Demolition and Replacement of Existing Roof System at the Service Building of the Melnea Cass Pool, Roxbury.

5. Contract No. P02-2143-C1A, dated April 18, 2002, with C.R.C. Company, Inc., for Installation of Benches Along the Charles River.

Action was taken upon the following matters relating to the Engineering and Construction Division:

6. Report of Messrs. Faucher, Misslin, Brooks and Sodano, March 11, recommending approval of the request of the contractor to engage the services of Concorp., Inc., as sub-contractor for electrical work on Contract No. P01-2117-C2A, with All Star Construction, for Pump Station Rehabilitation Work to Storrow Drive West Side Pump Station at Berkeley Street, Boston.
The Commission V O T E D: Approved.

7. Report of Messrs. Faucher, Misslin, Abounaja and Mrs. Overton Bussell, April 1, recommending approval of Extra Work Order No. 18 – for Rehabilitation of the Fuel Facilities at the MDC Brighton and Nahant Garages – in the sum of $28,819.00, and also software for the new fuel facilities in Cambridge in the sum of $1,523.75 for a total of $30,342.75, on Contract No. P95-1789-C3A, with Zenone, Inc., for Contaminated Cleanup at Various MDC Facilities.
Funding for $28,819.00 from Account No. 2440-4994.
Funding for $ 1,523.75 from Account No. 2490-0017.

The Commission V O T E D: to approve Extra Work Order No. 18, in the sum of $28,819.00, and also software for the new fuel facilities in Cambridge in the sum of $1,523.75 for a total of $30,342.75, as recommended by Messrs. Faucher, Misslin, Abounaja and Mrs. Overton Bussell in their report of April 1, 2002

1. Report of Messrs. Faucher, DiPietro and Galvin, April 11, recommending approval of Amendment No. 2 – to increase the upset limit by $21,520.00 to $177;919.00, for engineering services during construction, on Contract No. P94-1713-D1C, with the Maguire Group, Inc., for Quincy Shore Drive and Wollaston Beach Shore Protection Rehabilitation .
Funding from Account No. 2440-7993.
The Commission V O T E D: Approved

2. Report of Messrs. Faucher and Thurlow, April 9, submitting for approval Work Schedule, Project Summary, Project Justification and authorization to procure proposals for Project No. P00-2067-M3A, for Landscape Maintenance of Lynn Shore Drive and Revere Beach Reservation.
Estimated Cost - $70,000.00.
Time for Performance – May through October (six months).
Account No. 2410-1800.
(Funding for FY2003 contingent upon sufficient funds being available through the annual budgetary appropriation process).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to procure proposals for Project No. P00-2067-M3A, for Landscape Maintenance of Lynn Shore Drive and Revere Beach Reservation.

3. Report of Messrs. Faucher and Kirwin, April 9, recommending approval of Amendment No. 2, for an extension of time from May 31, 2002 to January 31, 2003, in order to complete current assignments and allow time to advertise and execute a new contract, on Contract No. P96-1823-D1A, with Bruce Campbell & Associates, Inc., for Professional Traffic Engineering Services.
The Commission V O T E D: Approved

4. Report of Messrs. Faucher and Kirwin, April 9 requesting approval and authorization to solicit Requests for Proposals for Contract No. P01-2128-D1A, Professional Traffic Engineering Services.
Estimated Cost - $250,000.00.
Time for Performance – three years on an as needed basis.
Account No. 2490-0010.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to solicit Requests for Proposals for Contract No. P01-2128-D1A, Professional Traffic Engineering Services

5. Report of Messrs. Faucher, Misslin and Sodano, March 25, recommending approval of Extra Work Order No. 1, for rehabilitation of existing West Side Pump Station floor in the valve /pump room - at a cost of $2,856.86, on Contract No. P01-2117-C2A, with All Star Construction, for Pump Station Rehabilitation Work to Storrow Drive West Side Pump Station at Berkeley Street, Boston.

(At no increase in contract cost as the extra work will be offset by unused quantities in Item 25 – 15 inch discharge pipe at the East Side Pump Station).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $2,856.86.

1. Report of Messrs. Faucher, Misslin and Sodano, March 28, recommending approval of Extra Work Order No. 2, for an angle receptacle for the West Side Pump Station's standby transfer switch and the MDC's standby portable generator, at a cost of $83.63, on Contract No. P01-2117-C2A, with All Star Construction, for Pump Station Rehabilitation Work to Storrow Drive West Side Pump Station at Berkeley Street, Boston.
(At no increase in contract cost as the extra work will be offset by unused quantities in Item 25 – 15 inch discharge pipe at the East Side Pump Station).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $83.63.

2. Report of Messrs. Faucher, Misslin and Sodano, April 10, recommending approval of Extra Work Order No.3, for General Electric ASTAT Pumps Starters for the West Side Pump Station, at a cost of $3,469.80, on Contract No. P01-2117-C2A, with All Star Construction, for Pump Station Rehabilitation Work to Storrow Drive West Side Pump Station at Berkeley Street, Boston.
(At no increase in contract cost as the extra work will be offset by unused quantities in Item 25 – 15 inch discharge pipe at the East Side Pump Station).
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $3,469.80.

3. Report of Messrs. Faucher and McCalla, April 8, submitting for approval Work Schedule, Project Summary, Project Justification and authorization to advertise for bids for Project No.P02-2164-M1A, for Maintenance of Electrical and Electronic Systems at MDC Sports Facilities, Recreational Areas, Properties and Buildings Throughout the Metropolitan District.
Estimated Cost – for the two year project is $425,000.00.
Account No. 2410-1800 - FY2003 and 2004.
(Funding for both fiscal years contingent upon sufficient funds being available through the annual budgetary appropriation process).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise for bids for Project No.P02-2164-M1A, for Maintenance of Electrical and Electronic Systems at MDC Sports Facilities, Recreational Areas, Properties and Buildings Throughout the Metropolitan District.

4. Report of Messrs. Faucher and McCalla, April 8, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2165-M1A, for Maintenance of Prime Power and Emergency Generators at Various MDC Locations.
Estimated Cost - $60,000.00 for the two year contract.
Funding from Account No. 2410-1800 - FY2003 and 2004.
(Funding for both fiscal years contingent upon sufficient funds being available through the annual budgetary appropriation process).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2165-M1A, for Maintenance of Prime Power and Emergency Generators at Various MDC Locations.

1. Report of Messrs. Faucher and McCalla, April 5, recommending approval of revisions in quantities on Contract No. P00-2030-M1A, with Coviello Electric & General Contracting Co., Inc., for Maintenance of Street Lighting Systems on MDC Parkways Roadways and Properties at Various Locations, as follows –

Item No. 022-010 Records, Reports and Clerical	**$ 768,84**
Item No. 023-010 Storage Area	**$ 256.28**
Item No. 024-010 Materials, Components, Parts & Equipment	**$ 902.44**
	Total - $1,927.56

(At no additional contract cost as the revisions will be offset by unused quantities in Item Nos. 001-010 – Street Light Knock Down and 005-010 – Mercury Vapor Lamps).
The Commission V O T E D: Approved.

2. Report of Mr. Faucher and Mrs. Graves Jones, March 8, recommending approval of revisions in quantities on the following items on Contract No. P00-2080-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC –

Item No. 003-010 Four Inch Reflectorized Line (Thermoplastic)	**$1,803.66**
Item No. 005-010 Reflectorized Lines (Thermoplastic)	**$2,458.52**
	Total - $4,262.18

(At no increase in contract cost as the revisions will be offset by unused quantities in Item Nos. 001-010 – Four Inch Reflectorized lines (Paint), 002-010 – Six Inch Reflectorized lines (Paint),004-010 – Twelve Inch Reflectorized lines (Paint), 006-010 – Reflectorized Pavement Symbols and Legends (Paint), 007-010 – Reflectorized Pavement Symbols and Legends (Thermoplastic), 008-010 – Pavement Marking Removal (Paint) and 009-010 – Pavement Marking Removal (Thermoplastic).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Carrigan and MacLean, April 11, on bids for Rebuilding of Catch Basins and Manholes, in the Metropolitan District Commission Area, Contract No. P01-2101-C3A.
(Messrs. Faucher, Carrigan and MacLean recommend acceptance of the lowest bid received, that of Tasco Construction, Inc., of $208,300.00).
The Commission V O T E D: to accept the lowest bid received, that of Tasco Construction, Inc., of $208,300.00

4. Report of Messrs. Faucher Misslin and Balicki, April 10, recommending approval of Extra Work Order No. 1 – to remove concrete encasement – at a cost of $1,860.09, on Contract No. P02-2160-C1A, with D'Allesandro Corp., for Emergency Repairs to Low Pressure Water Line at the Charles River Dam.
(The cost of the extra work will be partially offset by unused quantities in Item 2510.2.02 for $108.00 and Item No. 2100.203 for $100.00. The remaining $1,652.09 will be from Account No. 2440-9800.

The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $1,860.09.

1. Report of Messrs. Faucher, DiRamio and Solimine, March 19, recommending the following on Contract No. P95-1783-C1A, with B & E Construction Corporation, for Boston Harbor Beaches Program – Rehabilitation of Constitution Beach, East Boston –
(a) That work be accepted as completed as of October 15, 2000.
(b) That reserve, in the amount of $37,819.23 – less credit of $4,400.00 – total due $33,419.23, be approved for payment.
(Basis of Award - $4,406,153.80)
(Amount to Date - $4,774,017.21)
(Contract Performance Rating – 4.00)
(EEO Compliance – 4.67)
The Commission V O T E D: that the work of B & E Construction Corporation, Contractor under Contract No. P95-1783-C1A, be and hereby is accepted as completed as of October 15, 2000.
The Commission further V O T E D: to approve release of reserve, in the amount of $37,819.23 – less credit of $4,400.00 – for a total amount of $33,419.23, be approved for payment..

2. Report of Messrs. Faucher and Martinez, April 10, recommending the following on Contract No. P02-2135-C1A, with KPR, Inc., for Demolition and Replacement of Herter Center Roof, Brighton –
(a) That work be accepted as completed as of January 28, 2002.
(b) That reserve, in the amount of $4,685.00, be approved for payment.
(Basis of Award - $94,000.00)
(Amount to Date - $93,700.00)
(Contract Performance Rating – 94 with 100 being excellent)
(EEO Compliance – 4.40)
The Commission V O T E D: that the work of KPR, Inc., Contractor under Contract No. P02-23-C1A, be and hereby is accepted as completed as of January 28, 2002.
The Commission further V O T E D: to approve release of reserve, in the amount of $4,685.00, for payment

3. Report of Messrs. Faucher and DiPietro and Ms. Hong, April 16, on bids for Construction of Sewer Connection at Houghton's Pond, Milton, Contract No.P00-2022-C2A.
(Messrs. Faucher and DiPietro and Ms. Hong recommend acceptance of the lowest bid received, that of Fiore Construction of $87,340.00).
The Commission V O T E D: to accept the lowest bid received, that of Fiore Construction of $87,340.00

Action was taken upon the following mater relating to the Watershed Management Division:

4. Report of Messrs. McGinn and Baratta, March 6, recommending approval of a revision in quantities, extra work claim and an adjustment in the upset limit on Contract No. WM97-061-C1A (97-4W), with J. A. Polito and Sons, Inc., for MDC Sewer Construction - West Boylston – Bunker Hill/Meadowbrook East – Phase II, as follows –

Revisions in Quantities

No. 3 **$214,383.15**
For various conditions encountered during construction of the Project.

Extra Work Claim

No. 3 **$ 63,033.04**
For miscellaneous extra work items that cannot be paid under the unit price items.

Increase in the Contract cost by a total of $277,416.19 for the revisions in quantities and the extra work claim, changing the upset limit from $6,552,731.92 to $6,830,148.11.
Funding from Account No. 2420-4994.
The Commission V O T E D: to approve the Revisions in Quantities, in the amount of $214,33.15.
The Commission further V O T E D: to approve the Extra Work Claim, in the amount of $63,033.04.
The Commission further V O T E D: to approve an adjustment in the upset limit on Contract No. WM97-061-C1A (97-4W), by a total of $277,416.19 for the revisions in quantities and the extra work claim, changing the upset limit from $6,552,731.92 to $6,830,148.11, as recommended by Messrs. McGinn and Baratta in their report of March 6, 2002.

Action was taken upon the following Various Matter:

1. Report of the Debt Collection Committee, April 1, recommending that Boston Pushcart, Inc., Joseph Bono, be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to failure to meet financial obligations with the Commission and further to refer the vendor to a debt collection agency listed on the Commission's Master Service Agreement for collection. The above recommendation shall apply to Boston Pushcart, Inc., Joseph Bono, and any and all of its successors, assigns, or re-incorporations.

Debtor	**Unpaid Balance**	**Time Period Past Due**
Boston Pushcart, Inc. Joseph Bono	$35,724.36	42 months

The Commission V O T E D: Held Over until the Commission Meeting of May 2 2002.

2. Report of Ms. O'Reilly-Carney and Mr. Gray, April 17, recommending that the Commission rescind the vote of the Commission taken at its meeting of April 11, 2002, approving Amendment No. 8 to Contract No. WM94-003-D1A, with A. G. Lichtenstein & Associates, Inc. for Remedial Design for Public Safety Considerations, Beaman Street Bridge, West Boylston, and to allow the appropriate staff within the agency to pursue alternatives for the provision of construction administration and inspection services.
On questioning by Associate Commissioner Elkort, Mr. Gray explained that the Engineering and Construction Division negotiated with its resident engineers and the residents have agreed to work staggered hours. He then stated that it is felt that other MDC employees be offered the same opportunity to provide resident engineering services. Mr. Gray then noted that under collective bargaining agreements, the agency has the right to change work schedules for employees with sufficient notice.

At this point, Acting Commissioner Carr commended all individuals involved in resolving this matter and in particular Ms. O'Reilly-Carney and Messrs. Gray and Faucher.
The Commission V O T E D: to rescind the vote of the Commission taken at its meeting of April 11, 2002, approving Amendment No. 8 to Contract No. WM94-003-D1A, with A. G. Lichtenstein & Associates, Inc. for Remedial Design for Public Safety Considerations, Beaman Street Bridge, West Boylston, and to allow the appropriate staff within the agency to pursue alternatives for the provision of construction administration and inspection services, as recommended by Ms. O'Reilly-Carney and Mr. Gray in their report of April 17, 2002.

Adjourned at 9:35 a.m., to meet on Thursday, April 25, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Twenty Fifth (4025th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, February 25, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on April 11, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed the Commissioner and four Associate Commissioners:

1. Contract No.P02-2151-C1A, dated April 25, 2002, with Tasco Construction, Inc., for Rehabilitation of Fellsmere Pond, Malden.

2. Contract No. P01-2101-C3A, dated April 25, 2002, with Tasco Construction, Inc., for Rebuilding of Catch Basins and Manholes in the Metropolitan Distinct Commission Area.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher, Carrigan and Machado, April 8, recommending approval of revisions in quantities on Contract No.P00-2085-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District, as follows –

Item No. 008-010 – Bit. Conc. Sidewalks	$39,000.00
Item No. 009-010 – Bituminous Tack Coat	$ 6,400.00
Item No. 011-010 – Granite Edgestone (Straight)	$10,000.00
Item No. 017-010 – 8" Reflectorized Markings	$ 845.00
Item No. 018-010 – 12" Reflectorized Markings	$ 3,600.00
Item No. 019-010 – Reflectorized Pavement Symbols	$ 1,240.30
Total -	$61,085.30

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 002-010 – 0" – 4 Cold Planing, 007-010 – Bituminous Concrete and 016-010 – 4" Reflectorized Pavement Markings).
The Commission V O T E D: Approved

4. Report of Messrs. Faucher and Lenhardt, April 16, recommending approval of revisions in quantities on Contract No.P96-119-C1A, with Boston Building & Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 & 25), Everett, as follows –

Item No. 002-090 - Temp. Impact Attenuator	$ 1,000.00
Item No. 004-030 – Concrete Sub Structure Repair	$69,600.00
Item No. 012-010 – Railroad Project	$21,000.00
Item No. 004-050 – Epoxy Bonding Compound	$ 2,230.20
Total -	$93.830.20

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 002-140, 004-060, 006-030, 006-040, 005-020, 001-020, 002-130, 005-010 and Extra Work Order No. 4).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Misslin and Balicki, April 16, requesting approval of a revision in quantities on Item No. 025-010 – Parts and Materials – at a cost of $17,472.09, on Contract No.P00-2078-M2A, with Lewis Refrigeration, for Maintenance of Refrigeration Systems.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 013-010, 013-020, 013-030, 013-040, 022-010, 023-010 and 024-010).
The Commission V O T E D: Approved

2. Report of Messrs. Faucher, DiPietro and Galvin, April 17, requesting approval of the action of Deputy Commissioner Faucher resulting in Extra Work by the Contractor to install additional PVC sewer pipe and a new door and frame at the General Edwards Bridge operator's tower on the Lynn-Revere line – at a cost of $3,159.79, on Contract No.P00-2022-C1A, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems Modification, General Edwards Bridge, Brookwood Farm and Breakheart Administration Building.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 1010.00 – Archaeological Services).
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher resulting in Extra Work by the Contractor to install additional PVC sewer pipe and a new door and frame at the General Edwards Bridge operator's tower on the Lynn-Revere line – at a cost of $3,159.79, on Contract No.P00-2022-C1A.
The Commission further V O T E D: to approve the Extra Work, in the amount of $3,159.79.

3. Report of Messrs. Faucher and Lenhardt April 18, requesting that the Commission amend the vote taken at its meeting of April 11, 2002 approving award of Contract No. P78-0639-C1A, to SPS New England, Inc., for Remedial Repairs of Longfellow Bridge, Boston and Cambridge by changing the award amount from $3,308,712.30 to $3,308,642.30, due to misinterpretation of bid prices on one item.
The Commission V O T E D: amend the vote taken at its meeting of April 11, 2002 approving award of Contract No. P78-0639-C1A, to SPS New England, Inc., for Remedial Repairs of Longfellow Bridge, Boston and Cambridge by changing the award amount from $3,308,712.30 to $3,308,642.30, due to misinterpretation of bid prices on one item

Action was taken upon the following matter relating to the Watershed Management Division:

4. Report of Messrs. McGinn and Vignaly, October 23, 2001, recommending the following on Contract No. WM01-027-S1A, with U.S. Department of the Interior, Geological Survey, for Stream Gauging and Well Monitoring –
(a) That work be accepted as completed as of September 30, 2001,
(b) That Invoice No. 2442500081, in the amount of $15,246.00, be approved for payment.
(Basis of Award - $60,984.00)
(Amount to Date - $60,984.00)

(Contract Performance Rating 8 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of the U.S. Department of the Interior, Geological Survey, Contractor under Contract No. WM01-027-S1A, be and hereby is accepted as completed as of September 30, 2001.
The Commission further V O T E D: to approve Invoice No. 2442500081, in the amount of $15,246.00, for payment.

Action was taken upon the following Various Matters:

1. Report of the Debt Collection Committee, April 1, recommending that Boston Pushcart, Inc., Joseph Bono, be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to failure to meet financial obligations with the Commission and further to refer the vendor to a debt collection agency listed on the Commission's Master Service Agreement for collection. The above recommendation shall apply to Boston Pushcart, Inc., Joseph Bono, and any and all of its successors, assigns, or re-incorporations.

Debtor	**Unpaid Balance**	**Time Period Past Due**
Boston Pushcart, Inc. Joseph Bono	$35,724.36	42 months

The Commission V O T E D: Held Over until the Commission Meeting of May 2, 2002

2. Report of Mr. Jewett, April 22, requesting approval and authorization for Commissioner Balfour to execute on behalf of the Commission, the following four contracts for FY2002 Park Land Acquisition Program – Open Order Contract No. GC02-0001 – Professional Real Estate Title Examination Services

Name	**Value**	**Parcels**
Law Offices of Peter E. Flynn, P.C. 78 Essex Street Saugus, MA 01906	$ 1,575	2
Tamagini & Bloomenthal, P.C. 935 Main Street Waltham, MA 02451	$ 3,350	4
Marsh, Moriarity, Ontell & Dacey, P.C. 18 Tremont Street, Suite 900 Boston, MA 02108	$ 10,250	6
Nancy Mahoney Harris, Esq. 172 East Street Hingham, MA 02043	$ 950	3

The Commission V O T E D: Approved as recommended by Mr. Jewett in his report of March 4, 2002.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.

1. Report of Mr. Jewett, April 22, requesting approval of an Amendment to the Commission vote of February 21, 2002, to three of nine Contracts for Professional Real Estate Appraisal Services, for Watershed Land Acquisition Program FY2002/FY2003, under Open Order Contract No. GC02-0002, as follows –

Name	**Value**	**Assignments**
Reynolds Company	($46,100)	(13)
304 Victory Road		
Quincy, MA 02171-3122	$ 25,500	5
	Totals: $ 71,600	**18**
O'Connor Real Estate	($46,000)	(15)
Associates, Inc.		
48 Franklin St.		
P.O. Box 1211		
Westfield, MA 01086-1211	$ 9,800	2
	Totals: $ 55,800	**17**
Meredith & Grew, Inc.	($56,200)	(16)
160 Federal Street		
Boston, MA 02110-1701	$ 7,800	2
	Totals: $ 64,000	**18**

(Funds are available in Account No. 2421-9936).
Completion date for all nine contracts remains June 30, 2002.
Mr. Jewett further requests authorization for Commissioner Balfour to execute on behalf of the Commission the contract forms required to allow the work to commence as soon as possible.
The Commission V O T E D: Approved as recommended by Mr. Jewett in his report of April 22, 2002.
The Commission further V O T E D: authorization for Commissioner Balfour to execute on behalf of the Commission the contract forms required to allow the work to commence as soon as possible.

Action was taken upon the matters relating to the Office of General Counsel:

2. Report of Mr. Collette, April 19, recommending that the Commission vote to adopt an order of taking for approximately 0.241 acres of land owned by American Venture 594 Corporation, located in the Town of Watertown, Massachusetts, and to approve an award of damages in the amount of $100,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

The Commission V O T E D: to adopt an order of taking for approximately 0.241 acres of land owned by American Venture 594 Corporation, located in the Town of Watertown, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 25, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take an easement for public access & egress purposes, for park and reservation enhancement and protection of open space purposes, across the rear southwest portion of a parcel of land lying upon the northerly bank of the Charles River, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, in, through and upon the following described land situated in the Town of Watertown in the County of Middlesex and Commonwealth of Massachusetts, namely:

A certain parcel of registered land lying off of the southerly side of Pleasant Street, and being numbered 594 Pleasant Street in the present numbering of said street, and being shown as the parcel marked "Lot 5" on a plan of land entitled "Subdivision Plan of Land in Watertown", dated January 14, 1963, prepared by MacCarthy Engineering Services, Inc., which plan was received for registration at the Land Registration Office of the Middlesex South Registry District on August 8, 1963 and is filed as Plan No. 30167F with Transfer Certificate of Title No.110890 in Registration Book 684, Page 140. That portion of Lot 5 in, through and upon which the public access easement is herein and hereby placed, is bounded and described as follows:

Beginning at a point located S.18° 43' 22" W., 737.76 feet from a point in the southwesterly line of Pleasant Street, as measured along the westerly line of land, now or formerly, of Paramount Development Associates Inc.(see Land Court Certificate No. 104081) and the westerly line of the aforementioned Lot 5, said property line being also the easterly line of land, formerly of Tampa Realty Co.(see Land Court Certificate No. 107619), which land is supposed to be land, now or formerly of Mass. Gas & Electric Light Supply Company, said point being the southwestern-most point of Lot 5, and, in the northerly line of the Charles River, as shown upon Land Court Plan No. 30167F, and upon an easement plan entitled "Plan Of Land American Venture 594 Corp. 594 Pleasant Street, Watertown, MA, Prepared For The Metropolitan District Commission", dated March 1, 2001, drawn by Mistry Associates, Inc., 315 Main Street Reading MA, 10867, which plan shall be filed with the Land Registration Office and be made a part of this easement order;

Thence N. 18° 43' 22" E., 103.78 feet, by the westerly line of Lot 5 and land, supposed to be, now or formerly, of Mass. Gas & Electric Light Supply Company, to a point at a 6 foot chain link fence;

Thence S. 71° 16' 38" E., 123.81 feet, by the unencumbered front portion of Lot 5, along the 6 foot chain link fence, to a point therein;

Thence S. 18° 43' 22" W., 40.46 feet, by the remaining unrestricted rear portion of Lot 5, to a point in the northerly line of the Charles River;

Thence Northwesterly and up-river, by the northerly line of the Charles River, to the first mentioned point, being the point and place of beginning.

Said easement encumbers an area of 10,486.57 square feet, more or less, or 0.241 acres, more or less, as shown upon the Mistry Associates survey plan cited above, which plan is to be to be filed herewith in the Land Registration Office of the Middlesex South Registry of Deeds, and made a part hereof.

Meaning and intending to take hereby an easement for public access in, through and upon the above described premises, howsoever the same may be bounded and described, and any and all appurtenant easement interests, within the above described premises, required to preserve and maintain the rights for public access so taken, said premises being the southwesterly and rear portion of the same premises conveyed by Barbara Windham, Russell J. Kirschenbaum, Joan Cohn, Evelyn Kirschenbaum, Elaine Kirschenbaum, and Robert Kirschenbaum to American Venture 594 Corporation, a Massachusetts corporation, in a deed registered with the Land Registration Office of the Middlesex South Registry of Deeds on June 6, 1996 as Document # 1004327. See Land Court Transfer Certificate No.205289 issued by the Court on the 6th of June 1996, and registered in the Land Registration Office of Middlesex South Registry of Deeds in Registration Book 1156, Page 139.

All such rights and easements so taken and required are hereby reserved for all lawful purposes which are not inconsistent with the use of same for public access purposes and for the construction, inspection, repair, renewal, replacement, operation and maintenance of said public paths, walkways, sidewalks, bridges, and appurtenances. No buildings or foundations of buildings, or parts thereof, shall hereafter be erected or placed upon the above described premises. Nothing in this Order of Taking shall interfere with the rights of the owners, and their agents, successors or assigns, to use the above described premises for pedestrian ingress to and egress from their abutting property.

The easement is to be perpetual. The easement will be a non-exclusive, public, multi-use path access easement (subject to and with the benefit of such related construction, maintenance, lighting and landscaping easements as may be deemed appropriate). The easement is not intended to interfere in any manner with access to the lands adjacent to the above described premises.

The encumbered premises are shown upon Watertown Assessors Map 810 as the southwesterly corner of Section 8, Block 5.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Watertown, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
American Venture 594 Corporation, a Massachusetts corporation	$100,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $100,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Ms. McLaughlin, April 19, recommending that the Commission vote to adopt an order of taking for approximately 2.46 acres for a Conservation Restriction on property owned by Edward A. and Rita C. Lodge located in the Hyde Park district of the City of Boston, Massachusetts and to approve an award of damages in the amount of $250,000.00, together with such damages and costs as required under General Laws, Chapter 70, Sections 6, 12, 39 and 44A.
The Commission V O T E D: to adopt an order of taking for approximately 2.46 acres for a Conservation Restriction on property owned by Edward A. and Rita C. Lodge located in the Hyde Park district of the City of Boston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 25, 2002

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Section 33 and 79 of Chapter 92 of the General Laws, and Sections 30,31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for park and reservation and protection of open space purposes, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a conservation restriction in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Hyde Park District of the City of Boston in the County of Suffolk (formerly the Town of Hyde Park in the County of Norfolk) and Commonwealth of Massachusetts, namely:

A certain parcel of land lying in the Hyde Park District of the City of Boston (formerly the Town of Hyde Park, Norfolk County Massachusetts), on the southwesterly side of Gordon Avenue, between said Avenue and lands of the Commonwealth of Massachusetts, Metropolitan District Commission, commonly known as Stony Brook Reservation, shown as "Parcel No. 1" upon a survey plan entitled "Compiled Plan Hyde Park, Mass.", prepared by C.H.W. Wood Co., Civil Engineers and Surveyors, Boston Mass., at a scale of 50 feet to an inch, dated September 1926, which plan is recorded with Suffolk County Registry of Deeds as Book 4855, Page 95, more particularly bounded and described as follows:

Beginning at a point in the southwesterly side of Gordon Avenue, at the easternmost corner of the land being described herein, said point being also at the northernmost corner of Parcel No. 2, as shown upon the above cited plan, land, supposed to be, now or formerly, of William M. & Anne T. Blundell;

Thence Northwesterly, 256.24 feet, by the southwesterly line of Gordon Avenue, to a stone bound found at an angle in the line of the road;

Thence Northwesterly, 42.87 feet, by the line of Gordon Avenue, to a point at the northernmost corner of Parcel No. 1, said point being also at the southeasterly corner of the abutting Parcel No. 4, land formerly of John T. Mahoney, Jr. and Louis A. Vazza, now of the Commonwealth of Massachusetts, Metropolitan District Commission, and being a portion of Stony Brook Reservation (see MDC order of taking dated July 22, 1993, recorded with Suffolk County Registry of Deeds at Book 18449, Page 55);

Thence Southwesterly, 100.0 feet, by the southeasterly line of Parcel No.4, to a point at an angle therein;

Thence Southwesterly, 160 feet, more or less, by the southeasterly line of Parcel No. 4, to a point at another angle therein;

Thence Southwesterly, 129.73 feet, by the southeasterly line of Parcel No. 4, to a stone bound at an angle, and other land of the Commonwealth of Massachusetts,

MDC, another part of Stony Brook Reservation (see Order of Taking No. 73 of the Metropolitan Parks Commission, dated August 19, 1896 and recorded with Suffolk County Registry of Deeds at Book 786, Page 583, see also the prior MPC Taking No. 14, dated September 6, 1894 and recorded with Norfolk County Registry of Deeds at Book 723, Page 41);

Thence S. 32° 27' 16" E., 268.53 feet, by Stony Brook Reservation, to another stone bound at the southernmost corner of the parcel herein being described, said bound marking also the northwesterly corner of Parcel No. 3, as shown upon the recorded plan cited above, land, formerly of Francis J. Esmond, Jr., et al, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated June 14, 2001 recorded with Suffolk County Registry of Deeds at Book 26655, Page 172);

Thence Northeasterly, 169.25 feet, by Parcel No. 3, to a point at an angle in a multiple-parcel corner, at Parcel No. 2, land supposed to be, now or formerly, of W.M. & A.T. Blundell;

Thence Northeasterly, 96 feet, more or less, by the northwesterly line of Parcel No. 2, to a pipe at an angle;

Thence Northeasterly, 83.50 feet, by Parcel No. 2, to a point in the southwesterly line of Gordon Avenue, at the northernmost corner of Parcel No. 2, being the point and place of beginning.

Containing 107,158 square feet, more or less, or 2.46 acres, more or less, as shown upon the record survey plans referenced above.

The above-described premises is carried upon the City of Boston Tax Rolls as Ward 18 Parcel 11440 and is represented as such upon Assessors Plan Ward~18271 Block~460.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Edward A. Lodge Rita C. Lodge	107,158 square feet, or 2.46 acres, more or less

Meaning and intending to take hereby a preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being the same premises described in a deed from Edward A. Lodge to Edward A. Lodge and Rita C. Lodge dated 21st November 1980 and recorded with said Deeds at Book 9602, Page 315.

AND IN LIKE MANNER, for the same purposes and in virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, to the following restrictions on the use of the parcels of land hereinabove described:

1. No construction of roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted, except those utilities or utility delivery systems to service the existing residence and/or the replacement structure.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for development of any adjoining unrestricted land.

4. In the event that the septic system is repaired or reconstructed on said premises, such repairs and/or reconstruction shall be done in strict conformity with all applicable local and state regulations including, but not limited to, Title 5 regulations (310 CMR 15.000 et seq.)

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers, shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No additional structures shall be built upon the land herein restricted. In the event that this single family house or garage is replaced or rebuilt for any reason whatsoever, such replacement and/or rebuilt structure shall be constructed within the footprints of the existing house and garage, and such replacement structure(s) shall be constructed so as to be in conformity with the provisions of Chapter 402 of the Acts of 1970.

12. No other acts or uses detrimental to park protection and preservation, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The conservation restriction hereby does not grant either said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction, or the public, any right to enter upon the lands hereinabove described, except that such Commission, its successors, assigns or other authority may enter upon said lands at any time for the purpose of inspecting said lands and enforcing the forgoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the forgoing restrictions and the remedying of any violations of same. The conservation restriction taken hereby and the terms and provisions hereof, shall run with the land.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Edward A. Lodge and Rita C. Lodge	$ 250,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $250,000.00, together with such damages and costs as required under General Laws, Chapter 70, Sections 6, 12, 39 and 44A

1. Report of Mr. Gray, April 22, requesting authorization for the expenditure of an additional $75,000.00 within this Fiscal Year for costs related to the preparation of watershed lands for acquisition and all purposes consistent with Section 6 and 12 of Chapter 36 of the Acts of 1992 (Cohen Bill), as amended.
(On February 21, 2002 – Commission approved the expenditure of $300,000.00 in Open Order Contract No. GC02-0002, for Appraisal, Title, Engineering and Related Services for Watershed Land Acquisition FY/02 – Worcester and Franklin Counties).
(Funding from Account No. 2421-9936).
The Commission V O T E D: authorization for the expenditure of an additional $75,000.00 within this Fiscal Year for costs related to the preparation of watershed lands for acquisition and all purposes consistent with Section 6 and 12 of Chapter 36 of the Acts of 1992 (Cohen Bill), as amended

2. Report of Mr. Gray, April 24, recommending that the Commission adopt an Order of Taking for acquisition of approximately 104.89 acres of land owned by Paxton Hills, Inc., located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of

$ 750,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission VOTED: to adopt an Order of Taking for acquisition of approximately 104.89 acres of land owned by Paxton Hills, Inc., located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 25, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

Three certain parcels of land, herein designated Parcels A, CR and E, all lying on the southerly and/or southeasterly side of East Princeton Road-Route 31, the second and third parcels also bounding on the easterly side and westerly side, respectively, of Mirick Road, near the intersection of said roads, more particularly bounded and described as follows:

Parcel A

Beginning at a Worcester County Highway bound at a point in the southerly layout line of the 1949 Worcester County layout of East Princeton Road-Route 31, at Station 68+33.76, at land, now or formerly, of the Town of Princeton (see the deed from East Side Sand & Gravel, Inc. to the Town Of Princeton, dated 29th December 1989 and recorded with the Worcester District Registry of Deeds at Book 12551, Page 166 and shown upon the accompanying survey plan recorded therewith as Plan 112 in Plan Book 630), said bound marking the northernmost corner of the parcel herein being described;

Thence S. 05° 44' 00" W., 520.00 feet, by land, now or formerly, of the Town of Princeton, to a concrete MDC bound set at the southeasterly corner of the land, now or formerly, of said Town, and at the easternmost corner of Parcel BR, described below in the second section of this order, property, formerly, of East Side Sand & Gravel, Inc., and now of the supposed owner listed below;

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Thence On the same bearing, 517.90 feet, by Parcel BR, to a drill hole found in a stone wall, at land, formerly of Chandler Bullock, late of one Lipowczan (see the deed recorded with said Deeds at Book 9099, Page 60, and Plan 26 in Plan Book 545), and, now or formerly, of the Princeton Land Trust (see the deed recorded with said Deeds at Book 18019, Page 370);

Thence S. 34° 01' 32" E., 1045.28 feet, by the stone wall and land, now or formerly, of the Princeton Land Trust, to a drill hole found in a corner of walls, at land, now or formerly, of Norco Sportsman's Club, Inc. (see the deed from John Rasmussen to said Club, dated September 21, 1946, recorded with said Deeds at Book 3026, Page 355);

Thence N. 57° 43' 35" W., 863.81 feet, by the stone wall and crossing East Wachusett Brook, to a drill hole set in a corner of walls;

Thence S. 32° 16' 25" E., 3.00 feet, by the stone wall, to a drill hole set in a corner of walls;

Thence N. 57° 43' 35" E., 47.00 feet, by the wall, to a drill hole set in a corner of walls;

Thence N. 32° 16' 25" W., 3.00 feet, by the wall, to a drill hole set in a corner of walls;

Thence N. 57° 43' 35" E., 626.00 feet, by the wall, to a drill hole set in a corner of walls;

Thence N. 31° 25' 35" W., 316.26 feet, by the wall to a drill hole set at a point therein, at other land, now or formerly of Norco Sportsman's Club, Inc., shown as Lot 1 upon a plan entitled "Plan Of Land Located In Princeton, Mass. Prepared For Norco Sportsman's Club", dated May 1989, surveyed by Hub Survey Associates, Inc., and recorded with Worcester District Registry of Deeds as Plan 52 in Plan Book 647, the last six courses being by land of said Club;

Thence N. 31° 22' 57" W., 77.31 feet, by the wall, to a drill hole set at a point therein;

Thence N. 31° 48' 15" W., 274.42 feet, by the wall, to a drill hole set at a point therein;

Thence N. 32° 08' 47" W., 248.27 feet, by the wall, to a drill hole set in a corner of walls, at a point in the southerly layout line of the 1871 Worcester County Layout of East Princeton Road-Route 31, being located S. 32° 08' 47" E., 36.64 feet from a point in the 1946 layout line of the Highway, the last three courses being by Lot 1, land, now or formerly of Norco Sportsman's Club, Inc.;

Thence S. 70° 09' 03" W., 50.59 feet, by the wall, to a point therein;

Thence S. 77° 36' 07" W., 49.52 feet, by the wall, to a point therein;

Thence S. 83° 31' 06" W., 84.60 feet, by and through the wall to a point;

Thence S. 85° 31' 07" W., 52.47 feet, to a point;

Thence N. 86° 33' 53" W., 59.45 feet, to a point;

Thence N. 76° 03' 53" W., 65.45 feet, to a drill hole set in a stone wall, at land, formerly of Ellsworth I. & Doris I. Bourque (see the deed from Carl Ikalainen to them, dated 15th April 1946, and recorded with said Deeds at Book 2996, Page 307), said abutting lot is supposed to be land, now or formerly, of Peter W. & Karen K. Silvia, the last six courses being by the 1871 layout line of the Highway;

Thence S. 57° 31' 00" W., 685.25 feet, by the wall and land, supposed to be, now or formerly, of P.W. & K.K. Silvia, crossing a gap therein, re-crossing East Wachusett Brook and running by the continuation of the wall, to a drill hole set in a corner of walls;

Thence N. 31° 27' 21" W., 260.33 feet, by the wall, to a drill hole set in a corner of walls;

Thence N. 57° 05' 03" E., 465.98 feet, by the wall, crossing a gap therein, re-crossing East Wachusett Brook and running by the continuation of the wall, to a drill hole set at a point, 1.25 feet below the surface of the ground, in the 1871 Layout line of the Highway, at land of owner unknown, shown as Parcel D upon the survey plan cited below at the conclusion of the description of Parcel A;

Thence N. 70° 58' 52" W., 656.66 feet, by Parcel D and along the 1871 layout line of the Highway, to the W.C.H. bound first mentioned at Station 68+33.76, being the point and place of beginning.

Containing 45.6167 acres, more or less, as shown as Parcel A upon sheet 1 of a 2 sheet plan entitled "Commonwealth Of Massachusetts, Metropolitan District Commission, Division Of Watershed Management, Princeton (Worcester County) MA, Land Taking Plan For Watershed Protection", dated October 3, 1996, prepared by Cullinan Engineering Co. Inc., Mark T. LaPrad, P.L.S., which plan is on file at MDC Headquarters, in the Office of the General Counsel, at 20 Somerset Street, Boston MA, a reduced copy of which plan is appended hereto as EXHIBIT "A" to be recorded herewith at Worcester District Registry of Deeds and be made a part of this order.

Parcel CR

Beginning at a Worcester County Highway bound found at a point in the southerly layout line of the 1949 Worcester County Layout of East Princeton Road-Route 31, at Station 83+07.87, said bound being at the northeasterly corner of land, now or formerly, of Roger P. & Caroline W. Lyons (see the deed from Carl Wilhelm Ikalainen to them, dated 15th March 1955 and recorded with said Deeds at Book 3665, Page 127);

Thence N. 74° 24' 30" E., 77.91 feet, by the 1949 Highway Layout line, to another W.C.H. bound found;

Thence N. 84° 01' 00" E., 131.81 feet, by the 1949 Highway Layout line, to another W.C.H. bound found;

Thence N. 70° 39' 00" E., 194.13 feet, by the 1949 Highway Layout line, to a point at the northeasterly corner of the parcel herein being described, and at the northwesterly corner of Parcel BR, described below, in the second part of this order;

Thence S. 01° 18' 34" W., 847.68 feet, by Parcel BR, to a point at an angle in the line;

Thence S. 36° 49’ 52” E., 399.57 feet, by Parcel BR, to a drill hole in a stone wall, at a corner, and at land, formerly of Chandler Bullock, late of one Lipowczan, and now or formerly, of the Princeton Land Trust, as referenced above;

Thence S. 57° 15' 43" W., 1825.72 feet, by the stone wall and partially by land, late of one Lipowczan and partially by land, late of one McElroy, and, now or formerly, of the Princeton Land Trust (see the deed recorded with said Deeds at Book 17499, Page 161), to a drill hole found in a corner of stone walls at land, now or formerly of Charles R., II & Deborah D. Cary (see the deed recorded with said Deeds at Book 13148, Page 1);

Thence N. 33° 18' 20" W., 138.43 feet, by the wall, and land, now or formerly, of C.R., II & D.D. Cary, to a drill hole found at a point in the wall at the southeasterly corner of land, formerly of Thomas R. & Leslie S. Moore, now or formerly, of Edward S. Lenard, Jr. (see the deed recorded with said Deeds at Book 18040, Page 323);

Thence N. 33° 22' 36" W., 251.37 feet, by the wall, and land, now or formerly, of E.S. Lenard, Jr., to a drill hole set in the wall;

Thence N. 36° 41' 33" W., 375.15 feet, by the wall, and land, now or formerly, of said Lenard, to a drill hole set, at or near, the end of the wall, at a point in the easterly line of Mirick Road;

Thence N. 16° 07' 32" E., 267.45 feet, by the line of Mirick Road, entering and running by a stone wall, to a drill hole set in a corner of walls, at land, formerly of Joseph & Rose McGahan;(see the deed from Allen Carl & Anne Ikalainen to them dated 21st December 1971 and recorded with said Deeds at Book 5184, Page 189, and the accompanying survey plan recorded as Plan 37 in Plan Book 358), this abutting lot is supposed to be, now or formerly, land of Ellsworth I. & Doris I. Bourque;

Thence S. 88° 20' 53" E., 247.79 feet, by the stone wall and land, now or formerly, supposed to be of E.I.& D.I. Bourque, to a drill hole set on a corner of walls, at land, formerly of Raymond A. & Claire B. Renaud (see two deeds from Allan Carl & Anne Ikalainen to them dated 24th May and 5th June 1967, recorded with said Deeds at Book 4758, Page 255 and Book 4759, Page 319, and the plan, recorded with said Deeds as Plan 111 in Plan Book 308), said abutting land being, now or formerly, of Steven G. & Kathleen M. Eichholtz (see the deed recorded with said Deeds at Book 16842, Page 170);

Thence S. 85° 51' 45" E., 408.61 feet, by the wall to a drill hole found at an angular corner in the wall;

Thence N. 65° 07' 15" E., 170.93 feet, exiting the wall and running to an iron pin found at a point, near the northwesterly end of a wall segment;

Thence N. 67° 42' 02" E., 206.60 feet, passing through another iron pin found and running to a point in the centerline of a brook;

Thence Northeasterly, 481 feet, more or less, by the centerline of the brook, to a point;

Thence N. 74° 12' 05" W., 456.60 feet, passing through an iron pin found near the brook and running to a drill hole found in a corner of stone walls;

Thence N. 80° 53' 02" W., 365.66 feet, by the stone wall, to a drill hole set at a point therein;

Thence N. 75° 48' 41" W., 185.00 feet, to an MDC concrete bound set at a point in the southeasterly layout line of the 1949 W.C.H. Layout of East Princeton Road-Route 31, the last seven courses being by land, now or formerly, of S.G. & K.M. Eichholtz;

Thence N. 54° 39' 20" E., 287.45 feet, by the Highway Layout, to a W.C.H. bound;

Thence Northeasterly, by the Highway Layout, along the arc of a curve to the right, having a radius of 2370.00 feet, an arc distance of 542.06 feet, said arc being subtended by a central angle of 19° 45' 10" to a point of tangency, said point being in a 7" ash tree at the northwesterly corner of land, now or formerly, of Roger P. & Caroline W. Lyons (see the deed from Carl Wilhelm Ikalainen, a.k.a. Allan Carl Ikalainen to them, dated 15th March 1955 and recorded with said Deeds at Book 3665, Page 127);

Thence S. 22° 24' 00" E., 155.16 feet, to an MDC concrete bound set at a corner;

Thence N. 74° 24' 30" E., 255.99 feet, to an MDC concrete bound set at a corner;

Thence	N. 15° 35' 30" W., 170.00 feet, to the first mentioned W.C.H. bound at Station 83+07.87, being the point and place of beginning, the last two courses being by land, now or formerly, of R.P.& C.W. Lyons.

Containing 41.0 acres, more or less as shown as Parcel CR (including Parcel Z) upon a plan entitled "Plan Of Land In Princeton, Mass. Prepared For THE TRUST FOR PUBLIC LANDS", dated March 12, 2002, prepared by Andrysick Land Surveying, an Office of Acton Survey & Engineering, Inc., Douglas W. Andrysick, P.L.S. #34608, which plan shall be recorded with Worcester District Registry of Deeds and be made a part of this order.

Parcel E

A certain tract of land situated in the said Town of Princeton, Worcester County Massachusetts, lying between the Princeton-Westminster Road, known as Mirick Road, and the so-called new County Road, otherwise known as East Princeton Road–Route 31, on the southerly side of their intersection, more particularly bounded and described as follows:

Beginning at the southeasterly corner of the parcel herein being described, at a gun barrel set in the stone wall marking the northwesterly line of Mirick Road, at land, formerly of Lina Ikalainen, now or formerly, of Rockwood P. Mason (see the deed from Allen C. & Anne Ikalainen to him, dated 23rd August 1979 and recorded with said Deeds at Book 6809, Page 336, and the accompanying survey plan recorded as Plan 76 in Plan Book 455);

Thence	N. 79° 35' 55" W., 318.74 feet, by land, now or formerly, of said R.P. Mason, to another gun barrel set at a point in the 1952 Worcester County Layout of East Princeton Road (see Worcester County Commissioners Decree # 1478, dated 12th September 1952, recorded with said Deeds at Book 3451, Page 469, and Plan H-3250-R, which plan is recorded with said Deeds as Plan 80 in Plan Book 184);
Thence	N. 23° 40' 00" E., 18.04 feet, by the record highway layout line, to a point in a stone wall, at the southwesterly corner of land, formerly of Elsear Laporte, now or formerly, of Norma J. Thebeau (see the deed recorded with said Deeds at Book 6261, Page 92);
Thence	N. 61° 07' 12" E., 232.57 feet, by the stone wall and land, now or formerly, of Thebeau, to a point in a wall corner;
Thence	N. about 35° W., 147.62 feet, still by the stone wall and land, now or formerly, of Thebeau, to a point in the curved Record Layout line of East Princeton Road;
Thence	Northerly, along the arc of a curve to the right, having a radius of 1570.00 feet, an arc distance of 376 feet, more or less, to a point of tangency at a Worcester County Highway bound, marking the terminus of the last described curve and the beginning of the next;

Thence Easterly and southerly, along the arc of a curve to the right, having a radius of 40 feet, an arc distance of 98.99 feet, to a point of tangency, said point being in the westerly line of the Princeton-Westminster Road, known as Mirick Road;

Thence S. 12 W., 290 feet, more or less, to a point at an angle in the line;

Thence S. 16 W., 186 feet, more or less, to another point at an angle in the line of the road;

Thence S. 23 W., about 127.27 feet, more or less, to the first mentioned point at the corner with the gun barrel set, being the point and place of beginning, the last three courses being by the westerly line of Mirick Road.

Containing about 2.6 acres, more or less, by estimate.

(Note that the area of this parcel is given as 2.92 acres, as described as the first parcel in the deed from Allen J. Ikalainen et al to Paxton Hills, Inc., dated 10/30/1998, however, no adjustment had been made for the property sold to Rockwell P. Mason at Book 6809, Page 336, cited above, nor had any correction been made in the parcel description as a result of the Worcester County Highway relocation of 1952.)

The total acreage of the three parcels, described above, and taken in fee herein and hereby, is calculated, from information shown upon the above cited survey plans, to be 89.2167 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in East Princeton Road-Route 31 and/or Myrick Road which may be held by the supposed owner as a result of its ownership of the above described premises, Parcel E being the same premises described as the first parcel, and Parcels A and CR being the most of the easterly and westerly portions of the same premises described as Parcel 2 in the deed from Allen J. Ikalainen and MaryAnn Mastrorio to Paxton Hills, Inc., a Massachusetts corporation with a principal place of business at 87 Main Street, Rutland MA, dated 30th October 1998 and recorded with Worcester District Registry of Deeds at Book 20615, Page 96.

The above-described property is represented upon Princeton Assessors Tax Map 8B as Lot 14 and upon Tax Map 8 as all of Lot 57-2, most of Lot 57, and a small portion of the northwesterly corner of Lot 57-1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph

communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

AND IT IS FURTHER ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land, herein designated Parcel BR, lying upon the southerly side of the 1949 Record Worcester County Layout of East Princeton Road – Route 31, situated between the above described Parcels A and CR, more particularly bounded and described as follows:

Parcel BR

Beginning at a point in the southerly layout line of the 1949 Worcester County Layout of East Princeton Road-Route 31, near a railroad spike found, intended to mark the northwesterly corner of land, now or formerly, of the Town of Princeton, the land of said Town being the same abutting land mentioned in the description of Parcel A, above;

Thence S. 08° 49' 13" W., 520.00 feet, by land, now or formerly, of said Town, to an MDC concrete bound set at a corner;

Thence S. 82° 45' 46" E., 580.00 feet, by land, now or formerly, of said Town, to another MDC concrete bound at a corner and in the westerly line of Parcel A;

Thence S. 05° 44' 00" W., 517.90 feet, by Parcel A, to a drill hole found in a stone wall, at land, formerly of Chandler Bullock, late of one Lipowczan, and now or formerly, of the Princeton Land Trust, as referenced above;

Thence N. 34° 01' 32" W., 226.78 feet, by the wall, to a drill hole found in a wall corner;

Thence S. 56° 40' 49" W., 233.83 feet, to a drill hole found, at or near, the end of the wall;

Thence S. 56° 43' 50" W., 457.41 feet, to a drill hole found, at or near, the northeasterly end of the continuation of the wall, at the southwesterly corner of the parcel herein being described, and the southeasterly corner of Parcel CR, as described

above, the last three courses being by land, now or formerly, of the Princeton Land Trust;

Thence	N. 36° 49' 52" W., 399.57 feet, by Parcel CR, to a point at an angle in the line;
Thence	N. 01° 18' 34" E., 847.58 feet, by Parcel CR to a point in the southerly 1949 layout line of East Princeton Road-Route 31;
Thence	N. 70° 39' 00" E., 141.49 feet, by the 1949 Highway Layout, to a point therein;
Thence	N. 74° 24' 30" E., 176.14 feet, by the 1949 Highway Layout, to a point of curvature;
Thence	Northeasterly, by the 1949 Highway Layout along the arc of a curve to the right, having a radius of 970.00 feet, an arc distance of 180.96 feet, to a point, near the railroad spike found, at the northwesterly corner of land, now or formerly, of the Town of Princeton, being the point and place of beginning.

Containing 17.189 acres, more or less, as shown as Parcel BR upon a survey plan entitled "Plan Of Land In Princeton Mass. Prepared For THE TRUST FOR PUBLIC LANDS", dated March 12, 2002, prepared by Andrysick Land Surveying, an Office of Acton Survey & Engineering, Inc., Douglas W. Andrysick, P.L.S. #34608, which plan shall be recorded with Worcester District Registry of Deeds and be made a part of this order.

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
Paxton Hills, Inc., A Massachusetts corporation	17.189 acres

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being a small portion of the 2nd parcel and most of the same premises described as the last parcel in a deed from Allen J. Ikalainen and Maryann Mastrorio to Paxton Hills, Inc., a Massachusetts corporation, dated October 30, 1998 and recorded with Worcester District Registry of Deeds at Book 20615, Page 96.

The above described property is represented upon Princeton Assessors Tax Map 8 as most of Lot 57-1 and a small portion of Lot 57.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every

name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises, except for the recreational fields and attendant facilities and structures specifically contemplated within the management plan to be provided hereunder, including but not limited to public restrooms, concession and equipment buildings, viewing stands, and parking areas.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted on said parcel, except for those utilities directly related to the recreational uses permitted on said premises. Construction of a well for irrigation is permitted.

3. The Town of Princeton shall submit a management plan for the future recreational use of the parcel. The MDC Division of Watershed Management shall review the plan for approval, which approval shall not be unreasonably withheld. The plan shall outline the process for the restoration and stabilization of the gravel pit. The plan shall also detail the prospective recreational uses that have been agreed to by the MDC, including items 1 through 11 on the attached document entitled "Long Term Princeton Recreation Needs for 17-acre East Princeton Road Parcel." The plan shall also specify all areas that will have impervious surfaces. The submission of the plan shall not be a prerequisite to any activity on the property that is not regulated under the Watershed Preservation Act or restricted by the provisions of this Order of Taking.

4. All activities permitted under this Order shall comply with the Watershed Protection Act. Site restoration, roadway access and recreation shall be considered within the primary zone established through the variance application process of the Watershed Protection Act.

5. No wastewater disposal and septic leaching shall be permitted in the established primary and secondary zones. A septic system placed in the secondary zone shall be allowed only if the remaining portion of the property is deemed as not suited for this purpose pursuant to Title V regulations.

6. No other municipal uses other than the recreational activities set forth within the approved management plan shall be permitted, except for the routine maintenance of the premises. Vehicular access by the Highway Department of the Town of Princeton shall be permitted at the existing access at the entrance on East Princeton Road, and/or at a location as further agreed upon by the Town and the MDC Division of watershed Management in order to address the shared use of the driveway by the Highway Department and the public.

7. Fencing and/or other barriers shall be required to be installed and maintained along the northeastern corner of the parcel, as determined and agreed upon by the Town and the MDC Division of Watershed Management.

8. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to create the recreational facilities permitted hereunder, and to grade and maintain the land.

9. No storage or stockpiling of hazardous materials, petroleum products, pesticides, herbicides and manure and fertilizers shall be permitted. Storage and use of fertilizers and lime may be permitted based on soil tests. Application of pesticides by a licensed applicator shall be permitted if necessary.

10. No fires shall be permitted.

11. No grazing or sheltering of livestock or animals shall be permitted.

12. No commercial recreational use shall be permitted, and no snowmobiling, ATV use or horseback riding shall be permitted.

13. Outdoor group events coordinated by the Town of Princeton shall be permitted, provided such events are not detrimental to the watershed.

14. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, shall be permitted.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

The total area of all the land taken in fee and restricted hereby, is calculated to be 106.4057 acres, more or less.

The damages awarded by the Commission to the owner of the land, are conditioned upon the immediate transfer by the owner of the fee interest in said Parcel BR, as restricted in accordance with this order, to the Town of Princeton, for conservation and recreation purposes.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Paxton Hills, Inc., a Massachusetts Corporation	$ 750,000.00

The Commission further VOTED: to approve an award of damages in the amount of $ 750,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A

Adjourned at 9:40 a.m., to meet on Thursday, May 2, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Twenty Sixth (4026th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 2, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on April 18, 2002, were read and approved.

Action was taken upon the following matter relating to the Office of General Counsel:

1. Report of Mr. Gray, May 2, submitting for approval and execution by Commissioner Balfour an Environmental Joint Powers Agreement by and between the Metropolitan District and the Department of Environmental Management concerning the joint management of the Boston Harbor Islands under the care, custody and control of the Commission and the Department, in order to provide improved services and more efficient management for the public.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Environmental Joint Powers Agreement, dated May 2, 2002, by and between the Metropolitan District and the Department of Environmental Management, which was signed by Commissioner Balfour on behalf of the Metropolitan District Commission.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Lenhardt, April 23, requesting approval of a modification to Alteration No. 2, revisions in quantities and expenditure of a credit to Contract No. PL97-044-C1A, with WES Construction Corp., for Pope John Paul II Park, Phase 1, Neponset River Reservation, Boston, as follows -

Alteration No. 12, a revision to Alteration No. 2

to increase credit from $409,050.00 to $444,000.00, due to DEP approved fill being utilized at the site and in accordance with the $50.00 per truck rate.

Revisions in Quantities

Item No. 10	Erosion Control Blanket	$26,370.00
Item No. 11	6"Gas Vent Pipe	$ 630.00
Item No. 12	6" Cap Drain Pipe	$ 920.00
Item No. 17	Salt Marsh Treatment B	$ 1,392.00
Item No. 20	Woven Geotextile	$ 274.00
Item No. 22a	6"Type II Loam	$ 3,143.00
Item No. 29	Concrete Sidewalk	$ 6,640.00
Item No. 32	4" Chain Link Fence	$ 1,760.00
		Total - $41,129.00

Expenditure

Expenditure of $41,129.00 from Alteration No. 2 – Credit to the Commission to fund the increase.

The Commission V O T E D: to approve Alteration No. 12, a revision to Alteration No. 2 to increase credit from $409,050.00 to $444,000.00, due to DEP approved fill being utilized at the site and in accordance with the $50.00 per truck rate.
The Commission further V O T E D: to approve revisions in quantities, in the amount of $41,129.00.
The Commission further V O T E D: to approve the expenditure of $41,129.00 from Alteration No. 2 – Credit to the Commission, to fund the cost of revisions in Quantities.

1. Report of Messrs. Faucher, Misslin and Abounaja, April 17, recommending approval of a revision in quantities on Item No. 001-006 – Dense Graded Crush Stone – at a cost of $1,485.00, on Contract No. P02-2147-C1A, for Emergency Fence and Decontamination Pad Construction at the Former Canton Airport in Canton.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 001-011 – Stand By).
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

2. Report of Messrs. Faucher and Gode-von Aesch, April 24, recommending approval of the request of the contractor to engage the services of Aqua-Tech Marine as sub-contractor for undermine void filling – at a cost of $12,800.00, on Contract No. P02-2145-C1A, with SPS New England, Inc., for Armory Bridge Scour Repair.
(At no increase in Contract cost).
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Misslin and Martinez, April 25, requesting approval of an extension of time from April 29, 2002 to May 9, 2002, due to waiting period in obtaining a demolition permit from DEP, on Contract No.P02-2153-C1A, with McConnell Enterprises, Inc. for Demolition of the Bernie King Pavilion, Nantasket Beach, Hull.
The Commission V O T E D: to approve an extension of time from April 29, 2002 to May 9, 2002, as requested by Messrs. Faucher, Misslin and Martinez in their report of April 25, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher and Johnston, April 25, submitting for approval Work Schedule, Project Justification and requesting authorization to advertise Project No. P02-2157-M1A, for Professional Services for Geotechnical Engineering Advise.
Estimated Cost - $30,000.00.
Time for Performance – 24 months.
Account No. 2490-0012.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2157-M1A, for Professional Services for Geotechnical Engineering Advise.

5. Report of Messrs. Faucher and Johnston, April 25, submitting for approval Work Schedule, Project Justification and requesting authorization to advertise Project No P96-1828-M2A, for Professional Services for Inspection and Testing of Concrete, Bituminous, Soils, etc.

Estimated Cost - $30,000.00.
Time for Performance – 24 months.
Account Nos. 2490-0012 and 2440-7893.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No P96-1828-M2A, for Professional Services for Inspection and Testing of Concrete, Bituminous, Soils, etc.

1. Report of Messrs. Faucher and Johnston, April 25, submitting for approval Work Schedule, Project Justification and requesting authorization to advertise Project No P96-1829-M2A, for Professional Services for Steel Inspection, Testing and Metallurgy.
Estimated Cost - $30,000.00.
Time for Performance – 24 months.
Account Nos. 2490-0012 and 2440-8952.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No P96-1829-M2A, for Professional Services for Steel Inspection, Testing and Metallurgy.

2. Report of Messrs. Faucher, Carrigan and MacLean, April 24, recommending approval of revisions in quantities on Contract No. P00-2087-C1A, with D'Allesandro Corporation for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System, as follows –

Item No. 009-010 – Installation of Single Leaf Closure Gates	$3,600.00
Item No. 041-010 – Remove, Dispose or Store Steel Guard Rail	$ 185.08
Total -	$3,785.08

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 035-010 – Furnish and Install New SS Guard Rail and Posts (Straight).
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of Contract Administration:

3. Report of Mr. Jewett, April 26, requesting approval of the following three service agreements for FY2002 Park Land Acquisition Program – Open Order Contract No. GC01-2001 – Professional Real Estate Chapter 21E Study Services –

NAME	**VALUE**	**ASSIGNMENTS**
CDW Consultants, Inc. 111 Speen Street Suite 119 Framingham, MA 01701	$17,200.00	3
GEI Consultants, Inc. 1021 Main Street Winchester, MA 01890-1970	$ 3,290.00	1

Tighe & Bond, Inc. 53 Southampton Road Westfield, MA 01085	$15,400.00	2

Account No. 2440-8886.
The Commission V O T E D: Approved

1. Report of Mr. Jewett, April 26, on behalf of the Proposal Selection Committee requesting selection of G & L Laboratories, for Contract No. P87-1449-M8A, Analytical and Water Quality Testing.
Compensation - $85,000.00 – at a rate of $42,500.00 per year on a unit price basis.
Time for Performance – twenty four months.
Funding from Account No. 2410-1500.
(Mr. Jewett further requests execution of the Contract by the Commission).
The Commission V O T E D: to approve the selection of G & L Laboratories, for Contract No. P87-1449-M8A, Analytical and Water Quality Testing.
The Secretary then submitted for signature Contract No. P87-1449-M8A, dated May 2, 2002, with G & L Laboratories, which was signed by the Commissioner and four Associate Commissioners.

2. Report of Mr. Jewett, April 26, on behalf of a Proposal Selection Committee requesting selection of Aquatic Control Technology, Inc., for Contract No. P95-1798-M4A, for Control of Vegetation at Upper Mystic Lake, Winchester.
Compensation – not to exceed $25,000.00.
Time for Performance – two seasons – 2002 and 2003 – with an expiration date of December 31, 2003.
Funding from Account No. 2410-1500.
(Mr. Jewett further requests execution of the Contract by the Commission).
The Commission V O T E D: to approve the selection of Aquatic Control Technology, Inc., for Contract No. P95-1798-M4A, for Control of Vegetation at Upper Mystic Lake, Winchester.
The Secretary then submitted for signature Contract No. P95-1798-M4A, dated May 2, 2002, with Aquatic Control Technology, Inc., which was signed by the Commissioner and four Associate Commissioners.

3. Report of Messrs. Jewett and Kelter, April 22, submitting for approval and execution a Memorandum of Agreement with the Forest Park Zoological Society, Inc. (Forest Park), located in the City of Springfield, MA, which provides for the transfer of $137,500.00 to Forest Park for improvements and other services to the Zoo.
Funds are available in Account No. 2443-2002.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Memorandum of Agreement, dated May 2, 2002, with the Forest Park Zoological Society, Inc. (Forest Park), which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following Various Matters:

1. Report of the Debt Collection Committee, April 1, recommending that Boston Pushcart, Inc., Joseph Bono, be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to failure to meet financial obligations with the Commission and further to refer the vendor to a debt collection agency listed on the Commission's Master Service Agreement for collection. The above recommendation shall apply to Boston Pushcart, Inc., Joseph Bono, and any and all of its successors, assigns, or re-incorporations.

Debtor	**Unpaid Balance**	**Time Period Past Due**
Boston Pushcart, Inc.	$35,724.36	42 months
Joseph Bono		

The Commission V O T E D: Held Over until the Commission Meeting of May 9, 2002.

2. Report of Mr. Driscoll, April 26, requesting approval of Maintenance Agreements with Control Delivery Systems and Sasaki Associates, Inc., for caring for certain sections of the Upper Charles River Reservation in Watertown, as follows –
Control Delivery Systems – between Bridge Street and the MDC boardwalk near the intersection of Pleasant Street and Howard Street.
Sasaki Associates, Inc. – adjacent to their property at 64 Pleasant Street.
(Mr. Driscoll further requests authorization for Commissioner Balfour to execute the Maintenance Agreements on behalf of the Commission).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Maintenance Agreements on behalf of the Commission.

Adjourned at 9:40 a.m., to meet on Thursday, May 9, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Twenty Seventy (4027th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 9, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Rollins.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Contract No. P00-2022-C2A, dated May 9, 2002, with Fiore Construction, Inc., for Construction of Sewer Connection at Houghton's Pond, Milton

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Misslin and Kane, April 30, requesting approval of an extension of time from April 19, 2002 to May 10, 2002, due to heavy work load of sub-contractor, on Contract No.P01-2115-C1A, with T. Cooney Construction, for Renovation of the Allston-Brighton Wading Pool Bathrooms, Brighton.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from April 19, 2002 to May 10, 2002, as requested by Messrs. Faucher, Misslin and Kane in their report of April 30, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher, Misslin and Abounaja, May 3, recommending approval of an extension of time from June 30,2002 to December 31, 2002, to complete the abatement work at various MDC sites, on Contract No.P00-2064-C1A, with SCS Environmental Services, Inc., for Asbestos Abatement from Various MDC Facilities.
The Commission V O T E D: to approve an extension of time from June 30, 2002 to December 31, 2002, as recommended by Messrs. Faucher, Misslin and Abounaja, in their report of May 3, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Meeting of August 8, 2002 Commission VOTED: to amend its vote by increasing Contract Amount from $29,445.00 to $59,445.00

4. Report of Messrs. Faucher, Misslin and Balicki, May 2, requesting approval of and authorization to advertise Project No. P02-2138-C2A, for Underground Sanitary & Potable Water Piping, Visitors Center and Maintenance Garage, Breakheart Reservation, Saugus.
Estimated Cost - $29,445.00.
Estimated Time for Performance – six weeks
Account No. 2440-7991.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2138-C2A, for Underground Sanitary & Potable Water Piping, Visitors Center and Maintenance Garage, Breakheart Reservation, Saugus.

5. Report of Messrs. Faucher, Griffin and Trzcinski, April 25, recommending approval of Work Schedule, Project Justification and Project Schedule and requesting authorization to advertise

Project No. P02-2169-M1A, for Maintenance of Mechanical and Electrical Systems at Three MDC Drawbridges, located in Lynn, Boston and Dorchester.
Estimated Cost - $45,000.00.
Estimated Time for Performance – twenty four months.
Account No. 2410-1800.
(Funding for fiscal years other than current year is contingent upon sufficient funds being made available through the annual budget appropriation process.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2169-M1A, for Maintenance of Mechanical and Electrical Systems at Three MDC Drawbridges, located in Lynn, Boston and Dorchester.

1. Report of Messrs. Faucher and Lenhardt, April 29, recommending approval of Extra Work Order No. 8, for replacing approximately 500 linear feet of damaged guard rail on the approaches to the rehabilitated bridges – at a cost of $11,536.00, on Contract No.P96-1819-C1A, with Boston Building & Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 & 25), Everett.
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 002-020 – Protective Screen (Chain Link), 002-150 – Reflectorized Drum, 003-040 – 4" Reflectorized Yellow Line, 004-040 – Temporary Stringer Support, 006-010 – Stud Shear Connectors and 008-010 – Granite Curb Type VA-5").
The Commission V O T E D: to approve Extra Work Order No. 8, at a cost of $11,536.00.

2. Report of Messrs. Faucher, Misslin, Kane and Martinez, April 22, requesting approval of Extra Work Order No. 2, for painting of fascia board prior to the installation of the gutter – at a cost of $496.58, on Contract No. P02-2138-C1A, with E. A. Colangeli Construction Co., Inc., for Foundation for the Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus.
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Order No. 2, at a cost of $496.58.

3. Report of Messrs. Faucher, Misslin and Abounaja, April 25, recommending approval of Extra Work Order No. 19, for furnishing and installing two – 3000 gallon (UL2085and UL142) highland fireguard double wall above ground steel fuel tanks at the MDC Service facility in West Boylston – at a cost of $92,300.00, on Contract No.P95-1789-C3A, with Zenone, Inc., for Contaminated Site Cleanup at Various MDC Facilities.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 005-005 – excavation and lawful disposal of contaminated soils at approved recycling facilities).
The Commission V O T E D: to approve Extra Work Order No. 19, at a cost of $92,300.00.

Action was taken upon the following matter relating to the Division of Watershed Management:

4. Report of Mr. McGinn, May 1, recommending approval and execution of an Agreement between the MDC and the Town of Holden for Transfer of Funds for I/I Improvements for the Town of Holden Sewer System Pursuant to the provisions of c.55 of the Acts of 1999.

The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement, dated May 9, 2002, between the MDC and the Town of Holden, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matters relating to the Office of Planning:

1. Report of Mr. Driscoll, April 29, requesting approval and execution of Amendment No. 2, to add Judith Nitsch Engineering, Inc. to Alewife Reservation Master Plan consultant team for the purpose of providing a detailed topographical survey of the Alewife Reservation and Brook, at a cost of $59,804.40, on Contract No. PL01-068-D1A, with The Bioengineering Group, Inc., for Alewife Reservation Master Plan.
Funding from Account No. 2440-8886.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 2, dated May 9, 2002, to Contract No. PL01-068-D1A, with The Bioengineering Group, Inc., which was signed by the Commissioner and three Associate Commissioners.

2. Report of Mr. Driscoll, April 29, requesting approval and execution of Amendment No. 1, to fund preparation of advanced design drawings for the Alewife Reservation Master Plan – at a cost of $90,156.00, on Contract No.PL01-068-D1A, with The Bioengineering Group, Inc., for Alewife Reservation Master Plan.
Funding – Account No. 2440-8886 - $40,156.00.
Funding – Account No. 2448-0069 - $50,000.00.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 1, dated May 9, 2002, to Contract No.PL01-068-D1A, with The Bioengineering Group, Inc., which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following Various Matters:

3. Report of the Debt Collection Committee, April 1, recommending that Boston Pushcart, Inc., Joseph Bono, be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to failure to meet financial obligations with the Commission and further to refer the vendor to a debt collection agency listed on the Commission's Master Service Agreement for collection. The above recommendation shall apply to Boston Pushcart, Inc., Joseph Bono, and any and all of its successors, assigns, or re-incorporations.

Debtor	**Unpaid Balance**	**Time Period Past Due**
Boston Pushcart, Inc. Joseph Bono	$35,724.36	42 months

The Commission V O T E D: Held Over.

4. Report of Mr. Jewett, May 1, on bid for Landscape Maintenance of Paul Revere Park, Charlestown, Contract No. PL00-070-M2A.

(Mr. Jewett recommends acceptance of the only bid received, that of McNulty Landscaping, of $24,700.00).
Mr. Jewett further requests authorization for Commissioner Balfour to execute the Contract on behalf of the Commission..
Account No. 2448-0052.
The Commission V O T E D: to accept the only bid received, that of McNulty Landscaping, of $24,700.00.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Miss Murphy, May 3, recommending approval and execution of a Memorandum of Understanding by and between the MDC and Fellsway Development LLC (the "Developer"), which sets forth infrastructure improvements on parkways and the drainage system within the Middlesex Fells Reservation, as well as additional mitigation to be performed by and at the sole cost of the Developer pursuant to its proposed development of the Stoneham Executive Center on land adjacent to the Reservation; and to authorize Commissioner Balfour to sign the MOU on behalf of the Commission.
The Commission further V O T E D: Held Over

2. Report of Mr. Gray, May 6, recommending that the Commission approve and execute the Agreement Between the Metropolitan District Commission and the Massachusetts Water Resources Authority, which sets forth the terms and provisions for the transfer of the Chestnut Hill Reservoir and surrounding lands in the City of Boston, Massachusetts, to the Commission, for use as a public recreation area and reservation, but subject to the rights of the Authority to utilize the Chestnut Hill Reservoir as an emergency back-up water supply; and to further authorize Commissioner Balfour to sign this Agreement on behalf of the Commission
The Commission V O T E D: to approve the Agreement Between the Metropolitan District Commission and the Massachusetts Water Resources Authority, which sets forth the terms and provisions for the transfer of the Chestnut Hill Reservoir and surrounding lands in the City of Boston, Massachusetts, to the Commission, as recommended by Mr. Gray in his report of May 6, 2002.
The Commission further V O T E D: to authorize Commissioner Balfour to sign this Agreement on behalf of the Commission.

Adjourned at 9:50 a.m., to meet on Thursday, May 16, 2002 at 9:00 a.m.

William

Secretary

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